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ONTARIO

statutes

STATUTES

OF THE

PROVINCE OF ONTARIO

1960/61

PASSED IN THE SESSION HELD AT TORONTO IN THE

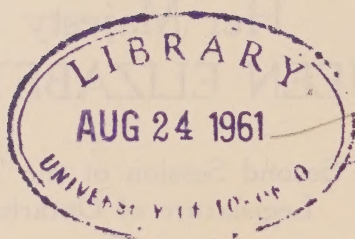
Ninth and Tenth Years of the Reign of Her Majesty QUEEN ELIZABETH II

Being the Second Session of the Twenty-Sixth
Legislature of Ontario

CONVENED ON THE 22ND DAY OF NOVEMBER, 1960, AND
PROROGUED ON THE 29TH DAY OF MARCH, 1961

HIS HONOUR JOHN KEILLER MACKAY
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER
1961



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PART I
PUBLIC ACTS
Chapters 1 to 103



9-10 ELIZABETH II

CHAPTER 1

An Act to amend The Absentees Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Absentees Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 2,
amended

8. Where a person who has had his usual place of residence or domicile out of Ontario and who has an interest in land in Ontario has been declared to be an absentee by a court of competent jurisdiction, the Supreme Court may by order, upon being satisfied that the person has disappeared, that his whereabouts is unknown and that there is no knowledge as to whether he is alive or dead, appoint a committee with such authority to manage, sell or otherwise deal with his interest in such land as in the opinion of the court is in his best interests and those of his family. Lands in Ontario of foreign absentee

2. This Act comes into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Absentees Amendment Act, 1960-61*. Short title

CHAPTER 2

An Act to amend The Alcoholism Research Foundation Act, 1949

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Alcoholism Research Foundation Act, 1949* is amended by inserting after "Alcoholism" in the second line "and Drug Addiction", so that the long title shall read as follows:

An Act to provide for the Establishment of the
Alcoholism and Drug Addiction Research
Foundation

2. Clause *d* of section 1 of *The Alcoholism Research Foundation Act, 1949* is amended by inserting after "Alcoholism" in the first line "and Drug Addiction", so that the clause shall read as follows:

(*d*) "Foundation" means the Alcoholism and Drug Addiction Research Foundation.

3. Section 2 of *The Alcoholism Research Foundation Act, 1949* is amended by inserting after "Alcoholism" in the second line "and Drug Addiction", so that the section shall read as follows:

2. There shall be a body corporate to be known as the Alcoholism and Drug Addiction Research Foundation composed of not less than seven and not more than ten members appointed by the Lieutenant Governor in Council.

4. Clause *a* of section 7 of *The Alcoholism Research Foundation Act, 1949*, as re-enacted by section 1 of *The Alcoholism Research Foundation Amendment Act, 1951*, is amended by inserting after "alcoholism" in the second line "and addiction to substances other than alcohol", so that the clause shall read as follows:

(*a*)

- (a) to conduct and promote a programme of research in alcoholism and addiction to substances other than alcohol; and

.

1949, c. 4,
§. 20,
amended **5.** Section 20 of *The Alcoholism Research Foundation Act, 1949* is amended by inserting after “*Alcoholism*” in the first line “*and Drug Addiction*”, so that the section shall read as follows:

Short title 20. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Act, 1949*.

Commence-
ment **6.** This Act comes into force on the day it receives Royal Assent.

Short title **7.** This Act may be cited as *The Alcoholism Research Foundation Amendment Act, 1960-61*.

CHAPTER 3

**An Act to extend the
Boundaries of Algonquin Provincial Park**

*Assented to January 27th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The area of Algonquin Provincial Park is increased by adding thereto the public lands situate in the Geographic Townships of Bruton and Clyde in the Provisional County of Haliburton. Lands added to Algonquin Park
- 2.** Section 11 of *The Game and Fisheries Act* does not apply to the public lands mentioned in section 1. R.S.O. 1960, c. 158, s. 11, not to apply
- 3.** This Act comes into force on the day it receives Royal Assent. Commence-ment
- 4.** This Act may be cited as *The Algonquin Provincial Park Extension Act, 1960-61*. Short title

—

CHAPTER 4

An Act to amend The Assessment Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 4,
amended

- (a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution. When
exemption
not to
apply

(2) Paragraph 9 of the said section 4 is amended by inserting after "commission" in the third line "or local board as defined by *The Department of Municipal Affairs Act*", so that the paragraph shall read as follows: R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property

R.S.O. 1960,
c. 98

2. Subsection 11 of section 9 of *The Assessment Act* is amended by inserting after "honey" in the third line "or for the raising of animals for the production of fur", so that the subsection, exclusive of the clause, shall read as follows: R.S.O. 1960,
c. 23, s. 9,
subs. 11,
amended

- (11) No person occupying or using land as a rooming house, farm, market garden, nursery or for the keeping of bees for the production of honey or for the raising of animals for the production of fur is liable to business assessment in respect of such land. Farmers,
etc.

3. Section 34 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 34,
amended

Application
to timber
licensees,
etc.
R.S.O. 1960,
c. 83

- (5) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

- 4.—(1) Subsection 3 of section 35 of *The Assessment Act* is amended by inserting after “farming” in the third line “or used only for farm purposes by a tenant of such an owner” and by inserting after “owner” in the fifth line “or tenant”, so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
amended

- (2) The said section 35 is amended by adding thereto the following subsection:

Where
owner dies
or retires

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement.

R.S.O. 1960,
c. 23, s. 35,
subs. 6,
amended

- (3) Subsection 6 of the said section 35 is amended by striking out “*The Mining Tax Act*” in the second line and inserting in lieu thereof “*The Mining Act*”, so that the first two lines of the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration
R.S.O. 1960,
c. 241

- (6) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

.

(4) The said section 35 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 35, amended

- (7a) Where lands mentioned in subsection 6 or 7 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 36, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre. Purchase by Crown of lands vested in municipalities under subss. 6, 7 R.S.O. 1960, c. 98

5. Subsection 15 of section 41 of *The Assessment Act* is amended by striking out "1960" in the second line and inserting in lieu thereof "1961", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 41, subss. 15, amended

- (15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1961 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5. Review of rates

6. Clause *d* of subsection 5 of section 53 of *The Assessment Act* is amended by inserting after "agreement" in the third line "or an award of a board of arbitrators or the Ontario Municipal Board", so that the clause shall read as follows: R.S.O. 1960, c. 23, s. 53, subss. 5, cl. d, amended

- (*d*) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

7. Subsection 1 of section 65 of *The Assessment Act* is amended by inserting after "131" in the fifth line "132", so that the subsection shall read as follows: R.S.O. 1960, c. 23, s. 65, subss. 1, amended

- (1) Where a county assessor is appointed under section 93, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 64 on assessment appeals, but the county court of revision shall not deal with applications under section 131, 132, 143, 145 or 244 of this Act or appeals under any other Act. County court of revision

R.S.O. 1960,
c. 23,
amended

8. *The Assessment Act* is amended by adding thereto the following sections:

Courts of
revision
under county
assessment
commis-
sioner

65a.—(1) Where a by-law under section 93a is in effect in a county, the council of the county shall constitute by by-law one or more courts of revision for each township, town and village in the county.

Members

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the county council.

Idem

(3) A member of a court of revision constituted under this section for one local municipality may also be appointed a member of a court of revision constituted for one or more other local municipalities.

Persons
disqualified
as members

(4) No person who is or during the preceding year was,
(a) a member of the council of a township, town or village in the county; or
(b) an officer or employee, other than a member of a court of revision, of such a local municipality or of the county,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

(5) Where a court of revision consists of three members, two members are a quorum.

Remunera-
tion of
members

(6) Each member of a court of revision shall be paid such sum for his services as the county council may by by-law provide.

Courts of
revision
under this
section
deemed
courts
of local
muni-
cipalities

(7) A court or courts of revision constituted for a local municipality under this section shall be deemed for the purposes of this and every other Act to be the court or courts of revision for the local municipality, and no such local municipality shall constitute or continue a court or courts of revision under this Act or any special Act after the 31st day of December in the year in which a by-law under section 93a is passed by the county of which the local municipality forms part.

Court of
revision
for local
improve-
ments
R.S.O. 1960,
c. 223

(8) A court or courts of revision constituted for a local municipality under this section shall be deemed to be the court or courts of revision constituted for the local municipality for the purposes of *The Local Improvement Act*.

(9) All rights of appeal conferred by this Act upon a person assessed in a township, town or village in a county that has passed a by-law under section 93a may be exercised by such local municipality, or by a person designated by resolution of the council of such local municipality, with respect to an assessment in any other local municipality in the county and with respect to the decision of a court of revision, county judge or the Ontario Municipal Board on any appeal with respect to such assessment and, notwithstanding any other provision in this Act, notice of appeal to the court of revision may be given by such local municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Appeals in
other local
municipalities

(10) Where an appeal is filed in respect of an assessment of land in a township, town or village in a county that has passed a by-law under section 93a, the local municipality shall be given notice of such appeal by the assessment commissioner and is entitled to be heard by the court of revision, county judge, Ontario Municipal Board or any court.

Local
municipalities to
be given
notice of
appeals

65b. Section 56 applies in each township, town and village in a county that has passed a by-law under section 93a, but, for the purposes of that section, the county council shall be deemed to be the council of each township, town and village in the county.

Application
of section 56

9. The heading preceding section 72 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 72,
heading,
re-enacted

APPEALS TO COURT OF REVISION

10. The heading preceding section 75 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 75,
heading,
re-enacted

APPEALS TO COUNTY JUDGE

11. The heading preceding section 83 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 83,
heading,
re-enacted

APPEALS TO ONTARIO MUNICIPAL BOARD AND COURT OF APPEAL

12. Sections 85 and 87 of *The Assessment Act* are repealed and the following substituted therefor:

R.S.O. 1960
c. 23, s. 85
repealed;
s. 87,
re-enacted

Powers and
functions
of court of
revision,
county
judge,
Ontario
Municipal
Board

87.—(1) Upon a complaint or appeal with respect to an assessment, the court of revision, county judge or the Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the court of revision, county judge or the Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.

Decision
re quantum,
etc., final

(2) A decision of the court of revision, county judge or the Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act.

Purpose of
provisions
re appeals

(3) For greater certainty, it is hereby declared that the provisions of sections 72, 75 and 83 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment.

ORIGINATING NOTICES AND OTHER PROCEEDINGS

Application
by
originating
notice

87a.—(1) The municipal corporation, the assessor, the assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum.

Service
of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner or, if none, the assessor and the clerk of the municipality affected by the assessment.

Time for
notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 88.

- (4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court. Appeal to Court of Appeal
- (5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll; but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom. Final revision of roll not to be delayed, alteration of roll on Court of Appeal judgment
- (6) Notwithstanding that a question of the assessment of any person is pending before a court of revision, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the court of revision, the judge of the county court and the Ontario Municipal Board. Judgment of court binding on court of revision, etc.

13. Section 88 of *The Assessment Act* is amended by inserting after "municipality" in the second line "for the collection of arrears of taxes", so that the first four lines of the section shall read as follows: R.S.O. 1960, c. 23, s. 88, amended

88. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in any court with respect to an assessment or taxes based thereon, Limitation of actions in courts
-

14. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960, c. 23, amended

- 93a.—(1) The council of a county may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner

Staff

- (2) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Local municipalities not to employ assessors, etc.

- (3) Where a by-law is passed in any year by the council of a county under this section, the county shall not, after the 31st day of December in that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and, after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of section 130 in local municipalities

- (4) Where a by-law is passed in any year by the council of a county under this section, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

- (5) No by-law passed under this section shall be repealed without the approval of the Minister.

R.S.O. 1960, c. 23, s. 94, subss. 1-3, re-enacted

15. Subsections 1, 2 and 3 of section 94 of *The Assessment Act* are repealed and the following substituted therefor:

Annual adoption of valuations made by county assessment commissioner and examination of assessment rolls for purposes of county rates

- (1) On or before the 1st day of July in each year,
- (a) the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and
 - (b) the council of every other county shall examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation

one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them, but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

- (2) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by, Assessment equivalent of mining revenue payments to be added to aggregate valuations
- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1,000; and
 - (b) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and R.S.O. 1960, c. 249
 - (c) increasing or decreasing the quotient obtained under clause *b* by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.

- (3) Where in the preceding year a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1. Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

R.S.O. 1960,
c. 23, s. 96,
amended

16. Section 96 of *The Assessment Act* is amended by inserting after "council" in the second line "under clause *b* of subsection 1 of section 94", so that the section, exclusive of the paragraphs, shall read as follows:

Appeal as to
equalization
of assess-
ments

96. If any municipality is dissatisfied with the action of any county council under clause *b* of subsection 1 of section 94 in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the proceedings shall be as follows:

.

R.S.O. 1960,
c. 23, s. 115,
subs. 3,
re-enacted

17. Subsection 3 of section 115 of *The Assessment Act* is repealed and the following substituted therefor:

Particulars
in tax notice

(3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 110.

R.S.O. 1960,
c. 23, s. 131,
subs. 12,
re-enacted

18. Subsection 12 of section 131 of *The Assessment Act* is repealed and the following substituted therefor:

Idem

(12) A cancellation, reduction or refund under clause *d* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

R.S.O. 1960,
c. 23, s. 150,
subs. 1,
re-enacted

19. Subsection 1 of section 150 of *The Assessment Act* is repealed and the following substituted therefor:

Interest on
tax arrears

(1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of not less than one-half of 1 per cent per month and not exceeding two-thirds of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes are levied until the taxes are paid, provided that interest shall not be charged at a rate exceeding one-half of 1 per cent per month unless the amount of all the taxes due and unpaid owing by one person is in excess of \$1,000.

R.S.O. 1960
c. 23,
Form 2,
amended

20. Form 2 of *The Assessment Act* is amended by striking out the portion headed "Particulars of Amount of Assessment" and inserting in lieu thereof the following:

PARTICULARS OF AMOUNT OF ASSESSMENT

REAL PROPERTY ASSESSMENT			REAL PROPERTY ASSESSMENT WHICH IS					BUSINESS ASSESSMENT	
Land	Buildings	Total	A Liable for School Rates Only	B Liable for Local Improvements Only	C Exempt from Taxation	D Liable for Residential- Farm Mill Rate General Purposes	E Liable for Commercial- Industrial Mill Rate General Purposes	Percentage of Assessed Value	Amount
\$	\$	\$	\$	\$	\$	\$	\$		\$

Commence-
ment

21.—(1) This Act, except subsection 1 of section 1 and sections 2, 3, 4 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4 and 6 shall be deemed to have come into force on the 1st day of January, 1961.

Idem

(3) Subsection 1 of section 1 comes into force on the 1st day of January, 1962.

Short title

22. This Act may be cited as *The Assessment Amendment Act, 1960-61*.

CHAPTER 5

The Bailiffs Act, 1960-61

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "bailiff" means a person who acts, assists any person to act or holds himself out as being available to act for or on behalf of any other person in the repossession or seizure of chattels or in any eviction;
- (b) "county" includes united counties and a provisional judicial district;
- (c) "county court" includes a district court;
- (d) "regulations" means the regulations made under this Act;
- (e) "Treasurer" means the Treasurer of Ontario.

2. This Act does not apply to a person while acting as a bailiff under a division court process or on behalf of a sheriff.

3.—(1) No person, other than a person appointed as a bailiff under *The Division Courts Act* or a sheriff's bailiff, shall act as a bailiff unless he has been appointed by the Lieutenant Governor on the recommendation of the Attorney General.

R.S.O. 1960,
c. 110

(2) An appointment shall designate the county for which the bailiff is appointed.

4. A bailiff may act as a bailiff in a county other than the county for which he is appointed after first obtaining the consent of a judge of the county court of the county in which he acts.

Consent of
county judge
for bailiff
to act

Costs out-
side county

5.—(1) The costs of a bailiff for travelling or accommodation outside the county for which he is appointed shall not be charged as recoverable costs in a seizure, repossession or eviction unless the costs are taxed under *The Costs of Distress Act* and the clerk of the county court is satisfied that it was not practicable for the seizure, repossession or eviction to be made by a bailiff appointed for the county in which the repossession, seizure or eviction was made.

R.S.O. 1960,
c. 74

Idem

(2) For the purpose of subsection 1, section 6 of *The Costs of Distress Act* applies to costs in an eviction as if such costs were costs in a seizure or repossession.

Application
for appoint-
ment

6. An application for appointment as a bailiff shall be made to the clerk of the peace in the county in which the applicant intends to carry on business as a bailiff and shall state,

- (a) the name and residence of the applicant;
- (b) the place where the applicant intends to carry on business;
- (c) the qualifications of the applicant to act as a bailiff;
- (d) any circumstance indicating that a bailiff is needed for the public convenience in the place where the applicant intends to carry on business as a bailiff; and
- (e) whether the applicant has previously acted as a bailiff and, if so, where.

Examination

7. Upon receiving an application, the clerk of the peace shall examine the applicant and shall forward the results of the examination, together with the security required by section 11 and his recommendations, to the Inspector of Legal Offices.

Recom-
mendation
by Attorney
General

8. The Attorney General may recommend the appointment of the applicant as a bailiff if,

- (a) the applicant has complied with this Act and the regulations;
- (b) the applicant is qualified to act as a bailiff; and
- (c) a bailiff is needed for the public convenience in the county in which the applicant intends to carry on business as a bailiff.

Revocation
of
appointment

9.—(1) The Lieutenant Governor, on the recommendation of the Attorney General, may revoke an appointment where the bailiff,

(a)

- (a) has not complied with this Act or the regulations or
The Costs of Distress Act; or

R.S.O., 1960,
c. 74

- (b) is incompetent or without capacity.

(2) Before making a recommendation under subsection 1, the Attorney General may require a judge of the county court of the county for which the bailiff was appointed to investigate and report his opinion on any question of, ^{Reference to county court judge}

- (a) the compliance of the bailiff with this Act or the regulations or *The Costs of Distress Act*; or

- (b) the competence or capacity of the bailiff.

10.—(1) Any person who has a complaint against a bailiff may make his complaint to the clerk of the peace in the county for which the bailiff is appointed. ^{Complaints}

(2) The clerk of the peace shall investigate the complaint and forward the complaint, together with the results of his investigation, to the Inspector of Legal Offices. ^{Idem}

11.—(1) No person shall act as a bailiff unless he is bonded in the prescribed amount and form. ^{Bonding}

- (2) The bond shall be,

^{Idem}

- (a) a personal bond accompanied by collateral security;

- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or <sup>R.S.O., 1960,
c. 168</sup>

- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

(3) The collateral security shall be direct or guaranteed securities of the Government of Canada or of the Government of Ontario. ^{Collateral security}

12.—(1) Where an appointment has been revoked under section 9 and, ^{Forfeiture of bond}

- (a) the bailiff has been convicted of an offence involving fraud, theft, assault, libel or breaking and entering under the *Criminal Code* (Canada) while acting as a bailiff, or of a conspiracy or an attempt to commit such an offence, and the conviction has become final; <sup>1953-54,
c. 51 (Can.)</sup>
or

- (b)

- (b) the bailiff has had a judgment for the recovery of money paid for services not performed or based on a finding of fraud, conversion, assault, libel or trespass committed while acting as a bailiff entered against him, and the judgment has become final,

the Attorney General may direct that the bond of the bailiff be forfeited.

Idem

- (2) Upon a direction being made under subsection 1, the bond is forfeited and the amount of the bond becomes due and owing as a debt due to the Crown in right of Ontario.

Sale of collateral security

13.—(1) Where a bond secured by the deposit of collateral security is forfeited, the Treasurer may sell the collateral security at the current market price.

Payment of proceeds

- (2) The Treasurer may,

- (a) assign any bond forfeited under section 12 and transfer the collateral security, if any;
- (b) pay over any money recovered under the bond; and
- (c) pay over any money realized from the sale of the collateral security,

to any judgment creditor of the person bound by the bond for claims arising out of the circumstance under which the bond was forfeited, or to the Accountant of the Supreme Court in trust for any person who becomes such judgment creditor.

Idem

- (3) Where a bond has been forfeited or cancelled and the Treasurer has not received notice in writing of any claim against the proceeds of the bond or such part as remains in the hands of the Treasurer within two years of the forfeiture or cancellation, the Treasurer may pay the proceeds or part remaining to the person bound by the bond.

Offence

14. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Regulations

15. The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing fees for applications;

(c)

(c) prescribing the amount of bonds and collateral security to be furnished under this Act;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

16. Every outstanding certificate of qualification issued or renewed under *The Bailiffs Act* and every licence for a bailiff or bailiff's assistant issued under section 390 of *The Municipal Act* is revoked when this Act comes into force. Certificate of qualification revoked
R.S.O. 1960, c. 249

17. *The Bailiffs Act* is repealed.

R.S.O. 1960, c. 29, repealed

18. This Act comes into force on the 1st day of January, 1962. Commencement

19. This Act may be cited as *The Bailiffs Act, 1960-61*. Short title

CHAPTER 6

**An Act to amend
The Bills of Sale and Chattel Mortgages Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 34, s. 32, amended

(2) In subsection 1, "discharged" means discharged in whole or in part and, where a mortgage registered under this Act is discharged in part, section 33 and Form 2 apply *mutatis mutandis*. Interpretation

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1960-61*. Short title

CHAPTER 7

**An Act to amend
The Boilers and Pressure Vessels Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Boilers and Pressure Vessels Act* is amended by inserting after "boiler" in the first line "or", so that the subsection shall read as follows: R.S.O. 1960, c. 37, s. 13, subs. 2, amended

(2) No person shall operate a boiler or pressure vessel that has been sealed, or cause or permit it to be operated, or destroy, remove or tamper with the seal of the inspector until permission in writing has been obtained from the chief inspector. Prohibition re operation of sealed plant, etc.

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commencement

3. This Act may be cited as *The Boilers and Pressure Vessels Amendment Act, 1960-61*. Short title

CHAPTER 8

**An Act to amend
The Children's Mental Hospitals Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Children's Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 56,
amended

7a. Notwithstanding the provisions of this Act, the superintendent of a hospital under this Act may admit as a patient for special investigation or treatment any person transferred under subsection 3 of section 16 of *The Mental Hospitals Act*. Admission
of transferee

R.S.O. 1960,
c. 236

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1960-61*. Short title

CHAPTER 9

**An Act to provide Community Hospitals
for the Care and Treatment of Persons
suffering from Emotional or
Psychiatric Disorders**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Health;
- (b) "patient" means a person received and lodged in a hospital under this Act for the purpose of treatment;
- (c) "provincial aid" means aid granted to a hospital under this Act out of moneys appropriated for the purpose by the Legislature;
- (d) "regulations" means the regulations made under this Act; and
- (e) "treatment" means the maintenance, observation, nursing, medical and other care of a patient.

2. The Minister is responsible for the administration of this Act.

Administra-
tion of Act

3. The Lieutenant Governor in Council may establish one or more hospitals for the care and treatment of persons suffering from emotional or psychiatric disorders as community psychiatric hospitals and he may approve all or any part of any institution, building or other premises or place as such a community hospital.

Establish-
ment and
approval of
community
psychiatric
hospitals

4.—(1) Where the Lieutenant Governor in Council establishes a hospital under this Act, he shall designate the name by which the hospital is to be known and he shall appoint a

Name and
board of
hospital
established
under
this Act

board

board of governors composed of not fewer than eight members, including members *ex officio*, to maintain and operate the hospital.

Corporate
status

(2) Every such board is a corporation.

Vacancies

(3) Vacancies in such a board may be filled from time to time by the Lieutenant Governor in Council.

Officers
and staff

(4) Any such board may employ a director and such other officers and staff as are from time to time required for its purposes, and may pay the director, other officers and staff such remuneration as it deems proper out of its funds.

By-laws

(5) Subject to the approval of the Lieutenant Governor in Council, any such board may make such by-laws, rules and regulations as it deems expedient for the administration of its affairs.

Agreements

(6) Subject to the approval of the Lieutenant Governor in Council, any such board may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out its objects.

Funds

(7) The funds of such a board consist of moneys received by it from any source and it may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.

Audit

(8) The accounts of every such board shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the board.

Annual
report

(9) Every such board shall, after the close of each fiscal year, make a report upon its affairs during the preceding year to the Minister and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by it during the preceding year.

General
powers
continued

5. Every hospital under this Act has power to carry on its undertaking as authorized by any general or special Act, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail.

Application
of
R.S.O. 1960,
c. 322

6. The Lieutenant Governor in Council may designate any provision of *The Public Hospitals Act* or of the regulations thereunder as being applicable to any hospital under this Act.

7. The provisions of *The Mental Hospitals Act* with respect to examination units may be applied *mutatis mutandis* to any hospital under this Act. Examination units
R.S.O. 1960,
c. 236

8. The real and personal property, business and income of a hospital under this Act are not subject to assessment or taxation for municipal or provincial purposes. No
taxation

9. The Minister may pay hospitals under this Act provincial aid in such manner, in such amounts and under such conditions as are prescribed by the regulations. Provincial
aid

10. The Lieutenant Governor in Council may make regulations with respect to hospitals under this Act for, Regulations

- (a) their construction, alteration, equipment, safety, maintenance and repair;
- (b) their inspection, control, government, management, conduct, operation and use;
- (c) their superintendents, other officers and staffs and the powers and duties thereof;
- (d) their classifications, grades and standards, and the classification of patients, and the length of stay of and the rates and charges for patients;
- (e) the admission, treatment, care, conduct, control, custody and discharge of patients or any class of patients;
- (f) prescribing the classes of grants by way of provincial aid to hospitals under this Act and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (g) any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

11. This Act comes into force on the day it receives Royal Assent. Commence-
ment

12. This Act may be cited as *The Community Psychiatric Hospitals Act, 1960-61*. Short title

CHAPTER 10

**An Act to amend
The Conservation Authorities Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding R.S.O. 1960,
c. 62,
amended thereto the following section:

20a.—(1) Subject to the approval of the Lieutenant Regulations Governor in Council, an authority may make regulations applicable to lands owned by the authority,

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;

(h)

R.S.O. 1960,
c. 152

(h) subject to *The Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires;

(i) imposing fines not exceeding \$100 for a contravention of any regulation.

Offences

R.S.O. 1960,
c. 387

(2) Any offence against a regulation made by an authority under this section is punishable under *The Summary Convictions Act* and the fines for any such offence are payable to the authority.

Short title

2. This Act may be cited as *The Conservation Authorities Amendment Act, 1960-61*.

CHAPTER 11

**An Act to provide for the Regulation, Inspection
and Licensing of Hoists used during the
Construction, Alteration, Maintenance
or Demolition of Buildings,
Structures and Other Works**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "chief inspector" means the chief inspector appointed for the purposes of this Act;

(b) "construction hoist" means a mechanism for use in connection with the construction, alteration, maintenance or demolition of a building, structure or other work,

(i) for hoisting and lowering materials or workmen or both, and

(ii) equipped with a car that moves in guides during its vertical movement,

and includes its hoistway and hoistway enclosure;

(c) "Department" means the Department of Labour;

(d) "elevator" means a mechanism as defined in *The R.S.O. 1960, Elevators and Lifts Act*; c. 119

(e) "engineer" means a professional engineer as defined in *The Professional Engineers Act*; R.S.O. 1960, c. 309

(f) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;

(g)

- (g) "licence" means a licence granted under this Act;
- (h) "maximum capacity" means the maximum number of persons or maximum weight that a hoist is designed and constructed to carry safely as determined by the regulations;
- (i) "Minister" means the Minister of Labour;
- (j) "municipal inspector" means a person appointed by a municipality to make inspections concerning the safety of persons, buildings, structures or other works;
- (k) "operator" means a person who is stationed at the driving unit of a construction hoist and has direct control of any movement of the car of the hoist as the whole or a part of his duties;
- (l) "regulations" means the regulations made under this Act;
- (m) "user" means the person in charge of a construction hoist as owner, lessee or otherwise, but does not include an operator or attendant as such.

Where Act
does not
apply

2. This Act does not apply to,

R.S.O. 1960,
c. 119

- (a) an elevator or lift within the meaning of *The Elevators and Lifts Act*;

R.S.O. 1960,
c. 241

- (b) a hoist within the meaning of *The Mining Act*;
- (c) a feeding machine, a bucket conveyor, a belt, chain, scoop, roller or any similar type of material-handling device other than a skip hoist;
- (d) a hoist in or adjacent to a barn used exclusively for agricultural purposes;
- (e) any class of construction hoist excluded by the regulations.

Inspectors

3.—(1) The Lieutenant Governor in Council may appoint one or more inspectors to administer and enforce this Act and the regulations.

Special
inspectors

(2) The Minister may authorize the chief inspector to engage the services of any person who holds a certificate of qualification under *The Elevators and Lifts Act* to inspect a

construction

construction hoist, and for such purpose such person shall be deemed to be an inspector and shall report forthwith to the chief inspector with respect thereto.

4. No person shall be appointed or act as an inspector who has any direct or indirect interest in the manufacture, sale, rental, installation, repair or maintenance of construction hoists or parts thereof. Certain persons disqualified

5.—(1) An inspector may inspect any construction hoist at any time. Power to inspect

(2) An inspector may investigate any matter relating to a construction hoist at any time. Power to examine

6. For the purpose of an inspection or an investigation under this Act, an inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. Power to examine under oath

7. An inspector, upon production of his certificate of appointment, may enter any premises where he has reason to believe that a construction hoist is or is being installed or operated. Power to enter premises

8. An inspector may by notice in writing direct a user, Powers, by notice

- (a) to prepare his construction hoist, or any part of it, for inspection;
- (b) to do or to refrain from doing anything that the inspector considers necessary during an inspection;
- (c) to do or to refrain from doing, within the time specified in the notice, such things as the notice specifies to ensure compliance with this Act and the regulations;
- (d) to ensure that no person uses, enters or approaches a construction hoist, any part of which, in the opinion of the inspector, is in an unsafe condition, except for the purpose of making necessary repairs.

9. In the absence of an inspector, a municipal inspector, Powers of municipal inspectors

- (a) may, upon production of his certificate of appointment from the municipal council, enter any place where he has reason to believe that a construction hoist is or is being installed or operated;

(b)

- (b) may inspect any construction hoist at any time;
- (c) may by notice in writing direct a user to do or to refrain from doing, within the time specified in the notice, such things as the notice specifies to ensure compliance with this Act and the regulations;
- (d) may by notice in writing direct a user to ensure that no person uses, enters or approaches a construction hoist, any part of which, in the opinion of the municipal inspector, is in an unsafe condition, except for the purpose of making necessary repairs;
- (e) shall, upon giving a notice under clause *c* or *d*, forthwith send a copy thereof to the chief inspector;
- (f) shall, upon determining that his direction has been satisfactorily complied with by the user, notify the chief inspector forthwith in writing.

Review

10. An inspector, following an inspection of a construction hoist by a municipal inspector under section 9, may,

- (a) direct a user in writing as set forth in section 8; and
- (b) modify or cancel, as he deems advisable, a direction made by a municipal inspector under section 9.

Drawings and specifications to be approved

11.—(1) No person shall commence an installation or major alteration of a construction hoist until the drawings and specifications thereof have been approved in writing by an engineer of the Department.

Idem

(2) Subject to subsection 3, all drawings and specifications shall be submitted in triplicate to an engineer of the Department and shall furnish full information as to the size, composition and arrangement of the proposed installation or major alteration and the location of the construction hoist on the site on which it is to be operated.

Subsequent installations

(3) Before the second or any subsequent installation of a construction hoist, an engineer of the Department may approve the drawings and specifications thereof without the re-submission of all drawings and specifications thereof.

Effect of approval

(4) If the proposed installation or major alteration as shown and described in the drawings and specifications complies with this Act and the regulations, the drawings and specifications shall be approved in writing by an engineer of the Department and one set returned to the person who submitted

them

them and thereupon the installation or major alteration may be proceeded with, but only in accordance with the drawings and specifications as approved.

12.—(1) No construction hoist shall be put into operation after installation or major alteration until it has been inspected by an inspector. Inspection before operation

(2) No construction hoist shall be kept in operation for more than six months unless before the expiration of the six months it has been inspected by an inspector. Semi-annual inspection

13.—(1) The chief inspector may grant or renew a licence for a construction hoist at a specified location and site and may suspend, cancel or transfer any such licence. Licences

(2) The licence is valid only for the twelve months next following the date on which it was granted or renewed, unless sooner suspended or cancelled or the location of the construction hoist is changed. Term

(3) The licence shall be kept by the user in a conspicuous position on the construction hoist for which it is granted or with the approval of an inspector, in a nearby position. Licence to be displayed

(4) Where a licence for a construction hoist is suspended or cancelled or has not been granted, the inspector may cause such things to be done as he deems necessary to ensure that the hoist will not be operated while the licence is suspended or cancelled or until it is granted. Inspector's powers

14.—(1) Any person who deems himself aggrieved by, Appeal to Minister

(a) a direction of an inspector or a municipal inspector; or

(b) the suspension of, the cancellation of or the refusal to grant or renew a licence by the chief inspector,

may, within ten days after the receipt of the notice containing the direction or the receipt of the notice of suspension, cancellation or refusal to grant or renew, as the case may be, appeal in writing to the Minister who shall, upon notice to all persons interested, hear the appeal and make such order as appears to him to be proper in the circumstances.

(2) Where a licence has been suspended or cancelled, the making of an appeal does not affect the suspension or cancellation pending the disposition of the appeal. Suspended licences, etc., not affected by appeal

Notice of
failure
or accident

15.—(1) Where a construction hoist falls freely or where an accident occurs that causes injury to any person, the user shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

Notice
where
accident
causes
death

(2) Where an accident occurs in connection with a construction hoist that results in the death of any person or in injuries that may result in the death of any person, the user shall give notice thereof immediately after the accident by telephone or telegraph to the chief inspector, and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission so to do is given by an inspector.

Investiga-
tions of
failures and
accidents

(3) On receipt of a notice under subsection 1 or 2, the chief inspector shall forthwith cause such investigation to be made as he deems necessary to determine the cause of the occurrence or accident.

Obstruction
of inspector

16. No person shall hinder or obstruct an inspector or a municipal inspector in the performance of his duties.

False
statements

17. No person shall make any false or misleading statement in any communication, whether in writing or otherwise, to the Minister, an inspector or a municipal inspector concerning any matter under this Act or the regulations.

Compliance
with Act
required

18. No user of a construction hoist shall operate it or cause or permit it to be operated unless it complies with this Act and the regulations.

Licence
required

19. No user of a construction hoist shall operate it or cause or permit it to be operated unless it is licensed.

Operation
of unsafe
hoist
prohibited

20.—(1) No person shall operate a construction hoist or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition.

Unsafe
operation
prohibited

(2) No person shall operate a construction hoist or cause or permit it to be operated in an unsafe manner.

Excess load
prohibited

21. No person shall operate a construction hoist or cause or permit it to be operated with a load in excess of its maximum capacity as designated in its licence.

Exceptions
to ss. 18-21

22. The prohibitions contained in sections 18, 19, 20 and 21 do not apply to an inspector or a municipal inspector or a person authorized by the chief inspector.

23. Where a construction hoist has a driving unit that is not directly controlled by a device installed in the car or at each landing of the hoistway and the hoist is used to raise or lower persons, every operator of the hoist shall possess a certificate of qualification to operate a hoisting plant under *The Operating Engineers Act*. Where certificated operators required

R.S.O. 1960,
c. 282

24.—(1) A person who contravenes any of the provisions of this Act or the regulations or any direction or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

(2) Where a person contravenes any of the provisions of this Act or the regulations or any direction or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. Continuing offence

25. All fees collected under this Act and the regulations and all fines recovered for offences under this Act or the regulations shall be paid to the Treasurer of Ontario and form part of the Consolidated Revenue Fund. Disposition of fees and fines

26.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) classifying construction hoists for the purposes of this Act and the regulations;
- (b) defining an installation and a major alteration for the purposes of this Act and the regulations;
- (c) prescribing qualifications for persons who may be appointed as inspectors or who may make inspections under this Act and prescribing their duties;
- (d) providing for hoist attendants and prescribing their qualifications and duties;
- (e) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified;
- (f) requiring the payment of fees and prescribing the amounts thereof;
- (g) prescribing the circumstances under which expenses or special fees, or both, are to be paid, and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;

- (h) prescribing the form of licences and the conditions under which licences or any class thereof may be granted, renewed, suspended, cancelled or transferred or prohibiting the transfer of licences or any class thereof;
- (i) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of construction hoists and any equipment used in connection therewith;
- (j) designating the sections of the Safety Code for Elevators, Dumbwaiters and Escalators of the Canadian Standards Association as approved by the Association in 1960 that shall be used by the engineers of the Department and the inspectors in carrying out their duties;
- (k) requiring and prescribing the form and location of notices and markings that owners shall keep in or about construction hoists;
- (l) prescribing methods of determining maximum capacity for the purpose of this Act and the regulations;
- (m) governing the conduct of persons in or about construction hoists;
- (n) excluding from this Act any class of construction hoist;
- (o) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

Idem (2) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations.

Idem (3) A regulation may be limited as to time or place of application, or otherwise.

Idem (4) A regulation may be made with respect to any one or more classes of construction hoist.

Commencement **27.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **28.** This Act may be cited as *The Construction Hoists Act, 1960-61*.

CHAPTER 12

An Act to amend The Coroners Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Coroners Act* is amended by striking out "any municipality or provisional judicial district" in the second and third lines and inserting in lieu thereof "Ontario or any part thereof", so that the section shall read as follows:

1. The Lieutenant Governor in Council may appoint one or more coroners for Ontario or any part thereof.

2.—(1) Subsection 1 of section 2 of *The Coroners Act* is amended by striking out "an" in the third line and inserting in lieu thereof "a supervisory and", so that the subsection shall read as follows:

- (1) The Lieutenant Governor in Council may appoint a coroner for Ontario, to be known as supervising coroner, who shall act in a supervisory and advisory capacity to coroners and who shall have such other powers and perform such other duties as the regulations prescribe.

(2) The said section 2 is amended by adding thereto the following subsection:

- (1a) The Lieutenant Governor in Council may appoint an executive officer and a secretary to the office of the supervising coroner and they shall perform such functions as the regulations prescribe or the supervising coroner directs.

(3) Subsection 2 of the said section 2 is repealed and the following substituted therefor:

salary

- (2) In lieu of fees, the supervising coroner, the executive officer and the secretary shall be paid out of the Consolidated Revenue Fund such salaries as the Lieutenant Governor in Council fixes.

R.S.O. 1960,
c. 69, s. 7,
re-enacted

3. Section 7 of *The Coroners Act* is repealed and the following substituted therefor:

Duty to
give
information

7. Every person who has reason to believe that a deceased person died,

(a) as a result of,

(i) violence,

(ii) misadventure,

(iii) negligence,

(iv) misconduct, or

(v) malpractice;

(b) by unfair means;

(c) during pregnancy or following pregnancy in circumstances that might reasonably be attributable thereto;

(d) suddenly and unexpectedly;

(e) from disease or sickness for which he was not treated by a legally qualified medical practitioner;

(f) from any cause other than disease; or

(g) under such circumstances as may require investigation,

shall immediately notify a coroner of the facts and circumstances relating to the death.

R.S.O. 1960,
c. 69, s. 11,
subs. 1,
re-enacted

4. Subsection 1 of section 11 of *The Coroners Act* is repealed and the following substituted therefor:

Coroner may
delegate
powers of
investigation

- (1) A coroner may authorize and direct a legally qualified medical practitioner, magistrate or police officer to take possession of a body, view the body and make such investigation as may be required to enable the coroner to determine whether or not an inquest is necessary and to report to him.

5. Subsection 1 of section 12 of *The Coroners Act* is amended by striking out "statutory declaration" in the third and fourth lines and inserting in lieu thereof "signed statement", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 12,
subs. 1,
amended

- (1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. Warrant
for burial
where
inquest un-
necessary

R.S.O. 1960,
c. 419

6. Section 13 of *The Coroners Act* is amended by striking out "statutory declaration" in the third and fourth lines and inserting in lieu thereof "signed statement", so that the section shall read as follows: R.S.O. 1960,
c. 69, s. 13,
amended

13. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Crown attorney a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. Warrant
for inquest

7. Section 14 of *The Coroners Act* is repealed.

R.S.O. 1960,
c. 69, s. 14,
repealed

8. Subsection 1 of section 19 of *The Coroners Act* is amended by inserting after "other" in the third line "business, undertaking or", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 19,
subs. 1,
amended

- (1) No coroner shall conduct an inquest upon the body of a person whose death has occurred on a railway or at a mine or other business, undertaking or work that he owns in whole or in part or that is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant, or in any other capacity by the owner thereof, or under any agreement or understanding, direct or indirect, with the employees thereof. When
coroner
disqualified

9. Section 23 of *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1960
c. 69, s. 23,
re-enacted

- 23.—(1) A coroner may at any time during an investigation or inquest issue his warrant for a *post mortem* examination of the body, an analysis of the blood, urine, or the contents of the stomach and intestines, or such other examination or analysis as the circumstances warrant. Post mortem
examinations
and
analyses

Idem

- (2) Where a coroner has determined that an inquest is unnecessary, he shall not thereafter issue his warrant for a *post mortem* examination or analysis without the consent in writing of the Attorney General, the Crown attorney or the supervising coroner.

R.S.O. 1960,
c. 69, s. 29,
amended

- 10.** Section 29 of *The Coroners Act* is amended by striking out “with the consent in writing of the Crown attorney” in the second and third lines, so that the section shall read as follows:

View of
body may
be dispensed
with

29. It is not necessary for a jury to view the body upon which an inquest is being held if the coroner directs that the viewing of the body be dispensed with.

R.S.O. 1960,
c. 69, s. 32,
subs. 1,
re-enacted

- 11.**—(1) Subsection 1 of section 32 of *The Coroners Act* is repealed and the following substituted therefor:

Taking
evidence

- (1) The evidence upon an inquest or any part of it may be recorded by a person approved by the Crown attorney and appointed by the coroner and who before acting shall make oath that he will truly and faithfully record the evidence, and, where evidence is so taken, it is not necessary that it be read over to or signed by the witness, but it is sufficient if the transcript is signed by the coroner and is accompanied by an affidavit of the person recording that it is a true report of the evidence.

R.S.O. 1960,
c. 69, s. 32,
subs. 2,
amended

- (2) Subsection 2 of the said section 32 is amended by striking out “taken by a stenographer” in the first and second lines and by striking out “to the stenographer” in the fourth line, so that the subsection shall read as follows:

Transcrip-
tion of
evidence

- (2) It is not necessary to transcribe the evidence unless the Attorney General or Crown attorney orders it to be done or unless any other person requests a copy of the transcript and pays the fees therefor.

R.S.O. 1960,
c. 69, s. 38,
amended

- 12.** Section 38 of *The Coroners Act* is amended by adding thereto the following subsection:

Salary in
lieu of fees

- (1a) Where a coroner is appointed on a full-time basis, the order in council appointing him may provide for payment of a salary in lieu of fees.

R.S.O. 1960,
c. 69,
Sched. A,
items 1, 2,
re-enacted;
item 3,
repealed

- 13.** Items 1, 2 and 3 of Schedule A to *The Coroners Act* are repealed and the following substituted therefor:

- 1. For all services on an investigation. \$15.00
Where the investigation involves attendances beyond
the place where the body is located, an additional. 10.00
- 2. For all services in connection with an inquest. 25.00
Where the inquest extends beyond two hours, for
each additional two hours or part thereof. 15.00

14. Item 1 of Schedule B to *The Coroners Act* is amended by striking out "\$4.00" and inserting in lieu thereof "\$6.00", so that the item shall read as follows:

R.S.O. 1960,
c. 69,
Sched. B,
item 1,
amended

- 1. For every day of attendance at the inquest. \$ 6.00

15. This Act comes into force on the 1st day of April, 1961.

Commence-
ment

16. This Act may be cited as *The Coroners Amendment Act, 1960-61*.

Short title

CHAPTER 13

An Act to amend The Corporations Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 200 of *The Corporations Act* is repealed and the following substituted therefor:

200.—(1) In this section, “dependants” means the wives, Interpretation
husbands, and children under twenty-one years of age, including adopted children, of officers or em-
ployees within the meaning of this section.

(2) After its incorporation, every pension fund and employees' mutual benefit society has the power, by means of voluntary contribution or otherwise as its by-laws provide, to form a fund or funds and may invest, hold and administer the same and may therefrom,

- (a) provide for the support and payment of pensions and other benefits to officers and employees of the parent corporation and its subsidiary corporations who have retired or who cease to be employed by the parent corporation or one of its subsidiary corporations;
- (b) provide, in such manner as the by-laws specify, for the payment of pensions, annuities, gratuities or other benefits to the widows and children or other surviving relatives or legal representatives of officers and employees or retired officers and employees of the parent corporation and its subsidiary corporations who have died;
- (c) provide for the payment of benefits to officers and employees of the parent corporation or one of its subsidiary corporations by reason of illness, accident or disability;

(d)

- (d) provide for the payment of benefits by reason of illness, accident or disability to former officers and employees of the parent corporation and its subsidiary corporations who are retired;
- (e) provide for the payment of benefits to officers and employees or retired officers and employees of the parent corporation or one of its subsidiary corporations in respect of illness, accident or disability affecting dependants of such officers or employees; and
- (f) upon the death of such officers or employees, pay a funeral benefit in such manner as the by-laws specify.

R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *m*, amended **2.**—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act* is amended by striking out “60 per cent” in the eighth line and inserting in lieu thereof “66 $\frac{2}{3}$ per cent”, so that the clause shall read as follows:

real estate mortgages

- (*m*) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in which the investment is made shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate covered thereby.

R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *q*, amended (2) Clause *q* of subsection 2 of the said section 208 is amended by striking out “60 per cent” in the seventh and eleventh lines respectively and inserting in lieu thereof “66 $\frac{2}{3}$ per cent”, so that the clause shall read as follows:

real estate mortgages

- (*q*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 66 $\frac{2}{3}$ per cent of the sale price of the real estate; or

3. Subsection 3 of section 299 of *The Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 299,
subs. 3,
re-enacted

(3) A corporation,

(a) operating a hospital within the meaning of
The Public Hospitals Act; or

Exception,
hospitals
and stock
exchanges

R.S.O. 1960,
c. 322

(b) operating a recognized stock exchange,

may by by-law provide that a person may, with his consent in writing, be a director of the corporation notwithstanding that he is not a shareholder or member of the corporation.

4. Section 304 of *The Corporations Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 71, s. 304,
amended

(2) Subsection 1 does not apply to a corporation operating a recognized stock exchange.

Application
of subs. 1

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

6. This Act may be cited as *The Corporations Amendment Act, 1960-61*.

Short title

CHAPTER 14

An Act to amend The Corporations Tax Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 36 of section 4 of *The Corporations Tax Act* is amended by striking out “10” in the second and fourteenth lines respectively and inserting in lieu thereof “11”. R.S.O. 1960,
c. 73, s. 4,
subs. 36,
cl. a,
amended

(2) Clause *b* of subsection 36 of the said section 4 is amended by striking out “10” in the third and fourteenth lines respectively and inserting in lieu thereof “11”. R.S.O. 1960,
c. 73, s. 4,
subs. 36,
cl. b,
amended

2. Subsection 4 of section 24 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 24,
subs. 4,
re-enacted

(4) The income of a corporation for a fiscal year from a business, property or other source of income or from sources in a particular place means the income of the corporation computed in accordance with this Part on the assumption that it had during the fiscal year no income except from that source or those sources, and was allowed no deductions in computing its income for the fiscal year except such deductions as may reasonably be regarded as wholly applicable to that source or those sources and except such part of any other deductions as may reasonably be regarded as applicable to that source or those sources. Income
from a
source

(5) Where the business carried on by a corporation or the duties performed by it was carried on or were performed, as the case may be, partly in one place and partly in another place, the income of the corporation for the fiscal year from the business carried on by it or the duties performed by it in a particular place means the income of the corporation computed in accordance with this Part on the

assumption

assumption that it had during the fiscal year no income except from the part of the business that was carried on or the part of those duties that were performed in that particular place, and was allowed no deductions in computing its income for the fiscal year except such deductions as may reasonably be regarded as wholly applicable to that part of the business or those duties and such part of any other deductions as may reasonably be regarded as applicable to that part of the business or those duties.

R.S.O. 1960,
c. 73, s. 31,
amended

3. Section 31 of *The Corporations Tax Act* is amended by adding thereto the following subsections:

Transferred
property

(5a) Where depreciable property of a corporation that was included in a prescribed class, hereinafter in this subsection referred to as the "former class", has been transferred to another prescribed class, hereinafter in this subsection referred to as the "other class" for the purpose of clause *e* of subsection 4,

(a) there shall be added to the capital cost to the corporation of depreciable property of the former class acquired before the transfer the greater of,

(i) the amount, if any, by which the capital cost to the corporation of the transferred property exceeds the undepreciated capital cost to it of depreciable property of the former class immediately before the transfer, or

(ii) the aggregate of all amounts that would have been allowed to the corporation in respect of the transferred property, if it had been a prescribed class, at the rate that was allowed to it in respect of property of the former class under regulations made under clause *a* of subsection 2 of section 22 in computing income for fiscal years before the transfer; and

(b) there shall be added to the total depreciation allowed to the corporation for property of the other class the greater of the amounts determined under subclauses i and ii of clause *a*.

(5b)

- (5b) Where, in calculating the amount of a deduction ^{Mis-}allowed to a corporation under regulations made ^{classified} under clause *a* of subsection 2 of section 22 in respect of depreciable property of the corporation of a prescribed class, there has been added to the capital cost to it of depreciable property of that class the capital cost of depreciable property, hereinafter in this subsection referred to as "added property", of another prescribed class, for the purpose of this section and the regulations made under clause *a* of subsection 2 of section 22, the added property shall, if the Treasurer so directs with reference to any fiscal year for which the Treasurer may make any re-assessment or additional assessment or assess tax, interest or penalties under Part V as the circumstances require, be deemed to have been property of the first-mentioned class and not of the other class at all times before the commencement of that fiscal year and, except to the extent that that property or any part thereof has been disposed of by the corporation before the commencement of that fiscal year, to have been transferred from the first-mentioned class to the other class at the commencement of that fiscal year.

.

- (9) Where property of a corporation that was depreciable ^{Property} of a prescribed class has, on the making of ^{of bankrupt} a receiving order or the filing of an assignment for the benefit of creditors of the corporation, become vested in a trustee in bankruptcy, the property of the corporation of that class shall be deemed, for the purpose of this section and the regulations made under clause *a* of subsection 2 of section 22, to have been disposed of by the corporation at that time for an amount equal to the undepreciated capital cost thereof to the corporation immediately before that time, and to have been acquired by the trustee at that time at a capital cost equal to that amount.
- (10) Where a corporation that has become bankrupt has ^{Proceeds} received an amount in a fiscal year from a trustee in ^{of} bankruptcy as or on account of any surplus remaining ^{disposition} to which the corporation has become entitled after ^{received by} payment in full of its creditors with interest and other costs, charges and expenses as provided by law, the lesser of,

(a) the amount so received; or

(b)

- (b) the amount, if any, that would have been included in computing the income of the corporation for that or a previous fiscal year by virtue of subsection 1, if the amount or the aggregate of the amounts received by the trustee as proceeds of disposition of property of the corporation that was depreciable property of a prescribed class had been received by the corporation, immediately before becoming bankrupt, as proceeds of disposition thereof,

shall be included in computing the income of the corporation for that fiscal year.

R.S.O. 1960,
c. 73, s. 38,
re-enacted

4. Section 38 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Election
respecting
incorrect
valuation
of inventory

38. Where the property described in the inventory of a business at the commencement of a fiscal year has, according to the method adopted by the corporation for computing income from the business for that fiscal year, not been valued as required by subsection 1 of section 25, the property described therein at the commencement of that fiscal year shall, if the Treasurer so directs, be deemed to have been valued as required by subsection 1 of section 25, and, in any such case, section 37 applies *mutatis mutandis* as though any amount by which the income of the corporation for the fiscal year is increased by virtue of this section were an amount included in computing its income for the fiscal year by virtue of section 31.

R.S.O. 1960,
c. 73, s. 54,
subs. 7,
cl. b, re-
enacted

5.—(1) Clause *b* of subsection 7 of section 54 of *The Corporations Tax Act* is repealed and the following substituted therefor:

- (b) a transaction that has increased the assets of, or reduced the liabilities of, the corporation by an amount not less than the amount by which its paid-up capital has been increased.

R.S.O. 1960,
c. 73, s. 54,
subs. 7,
cl. d, re-
enacted

(2) Clause *d* of subsection 7 of the said section 54 is repealed and the following substituted therefor:

- (d) the amount by which the corporation's paid-up capital was so increased, minus the amount, if any, by which the assets of the corporation have been increased or the liabilities of the corporation have been reduced by virtue of the increase in its paid-up capital.

6. Section 57 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 73, s. 57,
amended

- (3a) A corporation, other than a corporation described in subsection 3, the principal business of which is production or marketing of sodium chloride or potash or the business of which includes manufacturing products the manufacturing of which involves processing sodium chloride or potash, may deduct, in computing its income under this Part for a fiscal year, the drilling and exploration expenses incurred by it in the fiscal year on or in respect of exploring or drilling for halite or sylvite. Halite or
sylvite
drilling and
exploration
expenses

7.—(1) Clause *c* of subsection 1 of section 65 of *The Corporations Tax Act* is amended by striking out “shareholder” in the first line and inserting in lieu thereof “shareholders”. R.S.O. 1960,
c. 73, s. 65,
subs. 1,
cl. *c*,
amended

(2) Clause *b* of paragraph 4 of subsection 2 of the said section 65 is amended by striking out “and” at the end of subclause i, by adding “and” at the end of subclause ii and by adding thereto the following subclause: R.S.O. 1960,
c. 73, s. 65,
subs. 2,
par. 4,
cl. *b*,
amended

- (iii) a reference in subclause ii of clause *a* of subsection 5a of section 31 to amounts that would have been allowed to a corporation in respect of transferred property, at the rate that was allowed to the corporation in respect of property of a prescribed class, shall be construed as including a reference to amounts that would have been allowed to a predecessor corporation in respect of that property at the rate that was allowed to the predecessor corporation in respect of property of that prescribed class.

(3) Paragraph 5 of subsection 2 of the said section 65 is repealed and the following substituted therefor: R.S.O. 1960,
c. 73, s. 65,
subs. 2,
par. 5,
re-enacted

5. For the purpose of computing the income of the new corporation for a fiscal year, Reserves

- (a) any amount that has been deducted as a reserve under clause *h* of subsection 1 of section 22, section 60 or section 64 in computing the income of a predecessor corporation for its last fiscal year shall be deemed to have been deducted as a reserve thereunder in computing the income of the new corporation for a fiscal year immediately preceding its first fiscal year; and

(b)

- (b) any amount deducted under clause *i* of subsection 1 of section 22 in computing the income of a predecessor corporation for its last fiscal year or a previous fiscal year shall be deemed to have been deducted thereunder in computing the income of the new corporation for a fiscal year immediately preceding its first fiscal year.

R.S.O. 1960,
c. 73, s. 65,
subs. 2,
amended

- (4) Subsection 2 of the said section 65 is amended by adding thereto the following paragraph:

Uncollected
proceeds of
sales of
predecessor
corporations

10. For the purpose of computing a deduction from the income of the new corporation for a fiscal year under clause *d* of subsection 1 of section 60, any amount included in computing the income of a predecessor corporation from a business for its last fiscal year or a previous fiscal year in respect of property sold in the course of the business shall be deemed to have been included in computing the income of the new corporation from the business for a previous fiscal year in respect thereto.

R.S.O. 1960,
c. 73, s. 65,
subs. 3, cl. *f*,
amended

- (5) Clause *f* of subsection 3 of the said section 65 is amended by striking out "rule" in the twentieth line and inserting in lieu thereof "paragraph".

R.S.O. 1960,
c. 73, s. 75,
subs. 3,
repealed

8. Subsection 3 of section 75 of *The Corporations Tax Act* is repealed.

Application
of Act

- 9.—(1) Subsection 5*a* of section 31 of *The Corporations Tax Act*, as enacted by section 3 of this Act, is applicable in determining the undepreciated capital cost of property at any time after the 1st day of August, 1960.

Idem

- (2) Subsection 5*b* of the said section 31, as enacted by section 3 of this Act, is applicable in respect of any direction made after the 1st day of August, 1960.

Idem

- (3) Subsection 9 of the said section 31, as enacted by section 3 of this Act, is applicable in respect of property of a corporation that became bankrupt at any time after 1959.

Idem

- (4) Subsection 10 of the said section 31, as enacted by section 3 of this Act, is applicable in respect of amounts received by a corporation by or on account of any surplus described therein after the 1st day of August, 1960.

Idem

- (5) Except as provided by subsection 6, sections 1, 2, 4 and 6, subsections 3 and 4 of section 7 and section 8 of this Act apply in respect of fiscal years of corporations ending in 1960 and in respect of subsequent fiscal years.

(6) In the case of a corporation the fiscal year of which ^{idem} ending in 1961 does not coincide with the calendar year, the amount of the reduction or the increase in the deduction provided by subsection 2 of section 4 of *The Corporations Tax Act*, as referred to in subsection 36 of the said section 4, shall be the aggregate of two amounts calculated as follows:

- (a) in respect of the portion of such fiscal year that is in the calendar year 1960 as though the said subsection 36 of section 4 had not been amended by section 1 of this Act and applied for the whole fiscal year ending in 1961, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1961 bears to 365; and
- (b) in respect of the portion of such fiscal year that is in the calendar year 1961 as though the said subsection 36 of section 4 had been amended by section 1 of this Act and applied for the whole fiscal year ending in 1961, the amount so calculated being reduced by that proportion of such amount which the number of days of such fiscal year in the calendar year 1960 bears to 365.

10. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

11. This Act may be cited as *The Corporations Tax* ^{Short title} *Amendment Act, 1960-61.*

CHAPTER 15

An Act to amend The County Judges Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The County Judges Act* is R.S.O. 1960, amended by striking out "six" in the third line and inserting ^{c. 77, s. 3,} in lieu thereof "eight", so that the subsection shall read as ^{subs. 1,} amended follows:

- (1) In addition to the judges mentioned in section 1 and the junior judges mentioned in section 2, one or more judges or junior judges, not exceeding eight in number, may be appointed, ^{Additional judges}
- (a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or
- (b) for the county and district courts of the counties and districts of Ontario.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The County Judges Amendment Act, 1960-61*. ^{Short title}

CHAPTER 16

An Act to amend The Credit Unions Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Credit Unions Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 79, s. 1,
cl. *e*,
re-enacted

- (*e*) “officer” includes the treasurer, secretary, manager, assistant treasurer, assistant secretary, assistant manager and any employee who has authority to approve loans.

(2) Clause *h* of the said section 1 is repealed.

R.S.O. 1960,
c. 79, s. 1,
cl. *h*,
repealed

2. Section 20 of *The Credit Unions Act* is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 79, s. 20,
amended

- (4) Where the board of directors determines that the credit union has suffered an impairment of capital, the board may by resolution fix the proportion of money invested in shares that may be withdrawn, and, so long as any impairment of capital exists, may from time to time change the proportion that may be withdrawn.

Where
capital
impaired

- (5) After the passing of such a resolution, no member of the credit union is entitled to withdraw any portion of the money invested in shares in excess of the proportion specified in the resolution until the resolution has been revoked by the board, or to set off against any debts owing by him to the credit union a greater proportion of the money invested in shares than is specified in the resolution.

Idem

- (6) No resolution passed under subsection 4 applies to money invested in shares after the date of the resolution.

Idem

R.S.O. 1960,
c. 79, s. 31,
subs. 1,
amended

3.—(1) Subsection 1 of section 31 of *The Credit Unions Act* is amended by adding at the commencement thereof “Subject to subsections 8 and 9”, so that the subsection shall read as follows:

Credit
committee

(1) Subject to subsections 8 and 9, every credit union shall at its first general meeting elect from its members a credit committee of at least three members, who shall not be members of the board of directors or the supervisory committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected, but, if the by-laws so provide, the president shall be a member *ex officio* of the credit committee.

R.S.O. 1960,
c. 79, s. 31,
subs. 8,
re-enacted

(2) Subsection 8 of the said section 31 is repealed and the following substituted therefor:

Subdelega-
tion of
power

(8) A credit union may by by-law provide that the board of directors shall appoint one or more employees to perform all or such part of the duties of the credit committee as are specified in the by-law.

Idem

(9) If the by-law provides that the person or persons so appointed shall perform all the duties of the credit committee, it shall provide that, as long as the by-law remains in force, it shall not be necessary to elect a credit committee as required by subsection 1 or that, as long as the by-law remains in force, the credit committee shall have only the powers of an advisory committee.

Maximum
loans

(10) No loan that is greater than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union shall be approved.

R.S.O. 1960,
c. 79, s. 32,
subs. 8,
amended

4.—(1) Subsection 8 of section 32 of *The Credit Unions Act* is amended by striking out “registrar” in the seventh line and inserting in lieu thereof “supervisor”.

R.S.O. 1960,
c. 79, s. 32,
subs. 13,
amended

(2) Subsection 13 of the said section 32 is amended by striking out “registrar” in the fourth and fifth lines and inserting in lieu thereof “supervisor”.

R.S.O. 1960,
c. 79, s. 35,
subs. 1, cl. a,
re-enacted

5. Clause *a* of subsection 1 of section 35 of *The Credit Unions Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71

(a) in any investment that is authorized by *The Corporations Act* for the investment of funds of joint stock insurance companies other than the investments authorized by clauses *m* and *o* of subsection 2 of section 208 of that Act.

6. Clause *a* of subsection 1 of section 48 of *The Credit Unions Act* is amended by striking out "registrar" in the first line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 48, subs. 1, cl. a. amended

7. Section 49 of *The Credit Unions Act* is amended by striking out "registrar" in the second line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 49, amended

8.—(1) Subsection 1 of section 50 of *The Credit Unions Act* is amended by striking out "registrar" in the first line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 50, subs. 1, amended

(2) Subsection 3 of the said section 50 is amended by striking out "registrar" in the first line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 50, subs. 3, amended

(3) Subsection 4 of the said section 50 is amended by striking out "registrar" in the first and sixth lines respectively and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 50, subs. 4, amended

(4) Subsection 5 of the said section 50 is amended by striking out "registrar" in the first line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 50, subs. 5, amended

9. Clause *e* of subsection 1 of section 55 of *The Credit Unions Act* is amended by striking out "registrar" in the first line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 55, subs. 1, cl. e. amended

10. Section 58 of *The Credit Unions Act* is amended by striking out "registrar" in the third line and inserting in lieu thereof "supervisor". R.S.O. 1960, c. 79, s. 58, amended

11. This Act comes into force on the 1st day of January, 1961. Commencement

12. This Act may be cited as *The Credit Unions Amendment Act, 1960-61*. Short title

CHAPTER 17

An Act to amend The Dental Technicians Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act* is amended by adding thereto the following subsection: R.S.O. 1960
c. 90, s. 2,
amended

- (5) In addition to the five members of the Board mentioned in subsection 1, the immediate past chairman of the Board is a member *ex officio* of the Board for a period of one year immediately following his term of office as chairman. Member
ex officio

2.—(1) Clause *a* of subsection 1 of section 3 of *The Dental Technicians Act* is amended by striking out “not exceeding \$25 for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960.
c. 90, s. 3,
subs. 1, cl. *a*,
amended

- (*a*) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration.

(2) Clause *c* of subsection 1 of the said section 3 is amended by striking out “not exceeding \$25 annually for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960.
c. 90, s. 3,
subs. 1, cl. *c*,
amended

- (*c*) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon.

(3) Clause *f* of subsection 1 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *f*,
re-enacted

(*f*)

- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent, and, in addition to or as an alternative for such cancellation or suspension, providing for the assessment against and the recovery from any such dental technician of the expense, or part of the expense, incurred by the Board in the investigation and hearing conducted by the Board with respect to such misconduct or incompetence.

R.S.O. 1960,
c. 90, s. 4,
subs. 1,
amended

3. Subsection 1 of section 4 of *The Dental Technicians Act* is amended by inserting after “ ‘Registered Dental Technician’ ” in the second line “or the letters ‘R.D.T.’ ”, so that the subsection shall read as follows:

Designation

- (1) A person registered under this Act has the right to use the designation “Registered Dental Technician” or the letters “R.D.T.” and may describe his business as a dental laboratory.

R.S.O. 1960,
c. 90, s. 6,
re-enacted

4.—(1) Section 6 of *The Dental Technicians Act* is repealed and the following substituted therefor:

Interpre-
tation

- 6.—(1) In this section, “dentists in association” means dentists practising together in the same suite of offices in the same building and sharing the expenses of their practices.

When un-
registered
persons not
affected

- (2) Nothing in this Act or the regulations shall be deemed to prohibit,

R.S.O. 1960,
c. 91

- (a) a dentist within the meaning of *The Dentistry Act*;

R.S.O. 1960,
c. 234

- (b) a physician within the meaning of *The Medical Act*;

- (c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician;

- (d) apprenticed dental technicians and other persons working as employees of a registered dental technician; or

- (e) a person who is not a dental technician and who is a full-time employee of one dentist or of not more than three dentists in association where no dental laboratory services are furnished by the dentist or dentists in association or the employee,

from

from performing work or services ordinarily performed by a dental technician.

(2) Clause *e* of subsection 2 of section 6 of *The Dental Technicians Act*, as re-enacted by subsection 1, does not apply to any person who is employed as a dental technician in a lawful manner when this section is proclaimed in force so long as he remains in such employment.

Where s. 6,
subs. 2,
cl. *e*, does
not apply

5. Section 7 of *The Dental Technicians Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 90, s. 7,
re-enacted

7.—(1) No corporation shall operate a dental laboratory,

Corporations

(a) unless the majority of the directors are registered dental technicians;

(b) unless a majority of each class of shares of the corporation is owned by and registered in the names of registered dental technicians; and

(c) unless a registered dental technician is at all times in charge of the actual operations of the laboratory.

(2) Every registered dental technician on the board of directors of a corporation that operates a dental laboratory and the registered dental technician in charge of the actual operations of the laboratory shall be deemed guilty of any contravention of this Act by the corporation.

Offences

6. Sections 9 and 10 of *The Dental Technicians Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 90,
ss. 9, 10,
re-enacted

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician, or who advertises or uses or affixes any prefix or suffix to his name signifying that he is carrying on business as a dental technician or that he is qualified to carry on business as a dental technician, is guilty of an offence and on summary conviction is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence.

Offences

10. In all cases where proof of registration under this Act is required to be made, the production of a certificate under the hand of the secretary-treasurer

Proof of
registration

of the Board is sufficient evidence of the registration or non-registration of the person or persons named therein in lieu of the production of the original register, and any such certificate purporting to be signed by a person in his capacity of secretary-treasurer of the Board is *prima facie* evidence of his signature and election.

Disposition
of fines

11. Any fine imposed for a contravention of this Act shall be paid over by the convicting magistrate to the Board.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Dental Technicians Amendment Act, 1960-61*.

CHAPTER 18

The Department of Commerce and Development Act, 1960-61

*Assented to January 27th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means the Department of Commerce and Development;

(b) "Minister" means the Minister of Commerce and Development.

2. There shall be a department of the public service to be known as the Department of Commerce and Development over which the Minister shall preside and have charge.

Department
established

3. The Minister shall collaborate with the ministers having charge of the other departments of the public service of Ontario, with the ministers having charge of the departments of the public service of Canada and of other provinces, with municipal councils, with agricultural, industrial, labour, mining, trade and other associations and organizations and with public and private enterprises with a view to stimulating business, increasing production, extending trade and formulating plans to create, assist, develop and maintain productive employment and to develop the human and material resources of Ontario, and to that end shall co-ordinate the work and functions of the departments of the public service of Ontario.

Duties of
Minister

4. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Assignment
of Acts

5. The expenses of the Department in carrying out its objects shall be paid out of the moneys appropriated therefor by the Legislature.

Expenses of
Department

Inquiries

6.—(1) The Minister may appoint one or more persons to inquire into any matter relating to the scheme and purpose of this Act and to collect such information and make such report as he deems advisable.

Powers of person holding inquiry

(2) Every person appointed to inquire into any matter under subsection 1 has the power to summon any person and to require him to give evidence on oath and to produce such documents and things as may be requisite, and every person so appointed has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Reference to Minister in other Acts

7. A reference in any Act to the Minister of Planning and Development, except where inconsistent with the intent of the Act, shall be deemed to be a reference to the Minister of Commerce and Development.

R.S.O. 1960, c. 99, repealed

8. *The Department of Planning and Development Act* is repealed.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Department of Commerce and Development Act, 1960-61*.

CHAPTER 19

An Act to amend
The Department of Economics Act

Assented to January 27th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of *The Department of Economics Act* is amended by inserting after "Economics" "and Federal and Provincial Relations", so that the title shall read "The Department of Economics and Federal and Provincial Relations Act".
R.S.O. 1960, c. 93, title, amended

2. Clause *a* of section 1 of *The Department of Economics Act* is repealed and the following substituted therefor:
R.S.O. 1960, c. 93, s. 1, cl. a, re-enacted

(a) "Department" means the Department of Economics and Federal and Provincial Relations.

3.—(1) Subsection 1 of section 2 of *The Department of Economics Act* is amended by inserting after "Economics" in the second line "and Federal and Provincial Relations", so that the subsection shall read as follows:
R.S.O. 1960, c. 93, s. 2, subs. 1, amended

(1) The department of the public service known as the Department of Economics and Federal and Provincial Relations is continued.
Department continued

(2) The said section 2 is amended by adding thereto the following subsection:
R.S.O. 1960, c. 93, s. 2, amended

(1a) The Department may continue to be known as the Department of Economics.
Name

4. Clause *c* of subsection 1 of section 3 of *The Department of Economics Act* is amended by inserting after "relations" in the first line "and other matters", so that the clause shall read as follows:
R.S.O. 1960, c. 93, s. 3, subs. 1, cl. c, amended

(c) fiscal relations and other matters between governments; and

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Economics Amendment Act, 1960-61*.

CHAPTER 20

An Act to establish the Department of the Provincial Secretary and Citizenship

*Assented to January 27th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Department" means the Department of the Provincial Secretary and Citizenship;
- (b) "Deputy Minister" means the Deputy Provincial Secretary and Deputy Minister of Citizenship;
- (c) "Minister" means the Provincial Secretary and Minister of Citizenship.

2. There shall be a department of the public service to be known as the Department of the Provincial Secretary and Citizenship over which the Minister shall preside and have charge. Department
established

3.—(1) The Lieutenant Governor in Council may appoint a Deputy Minister of the Department. Deputy

(2) The Lieutenant Governor in Council may appoint such officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Department. Staff

4.—(1) The Minister may exercise the powers and shall perform the functions and duties that were conferred or imposed on or assigned to the Secretary and Registrar or the Provincial Secretary at the time this Act comes into force. Functions,
etc., of
Minister

(2) The Minister shall, on his own initiative and through co-operation with the ministers having charge of the departments of the public service of Ontario, with the ministers having charge of the departments of the public service of

Canada, with municipal councils, with school boards and boards of education, with other organizations and otherwise, in the cause of human betterment, advance and encourage the concept and ideal of full and equal citizenship among the residents of Ontario in order that all may exercise effectively the rights, powers and privileges and fulfil the obligations, duties and liabilities of citizens of Canada within the Province of Ontario.

Idem (3) In addition to the powers, functions and duties mentioned in subsections 1 and 2, the Minister shall perform such functions and duties as are assigned to him from time to time by the Lieutenant Governor in Council.

Assignment of Acts 5. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council may assign the administration of any Act to the Minister and the Minister shall be responsible for the administration of any Act so assigned and may exercise the powers and shall perform the duties of the minister named in any Act so assigned.

Seal 6.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister.

Idem (2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

References in Acts 7.—(1) A reference in any Act, regulation or otherwise to the Secretary and Registrar or to the Provincial Secretary shall be deemed to be a reference to the Minister.

Idem (2) A reference in any Act, regulation or otherwise to the Deputy Provincial Secretary shall be deemed to be a reference to the Deputy Minister.

Commencement 8. This Act comes into force on the day it receives Royal Assent.

Short title 9. This Act may be cited as *The Department of the Provincial Secretary and Citizenship Act, 1960-61*.

CHAPTER 21

**An Act to amend
The Department of Travel and Publicity Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Department of Travel and Publicity Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 103, s. 11,
subs. 1,
amended

- (c) providing for the apportionment and distribution of all moneys appropriated by the Legislature for the maintenance, development and promotion of the tourist industry and providing for the conditions governing the payment thereof.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1960-61*. Short title

CHAPTER 22

An Act to amend The Devolution of Estates Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 11 of *The Devolution of Estates Act* is amended by striking out “\$5,000” in the fourth line and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 11, subs. 1, amended

(2) Subsection 2 of the said section 11 is amended by striking out “\$5,000” in the first and second lines respectively and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 11, subs. 2, amended

(3) Subsection 3 of the said section 11 is amended by striking out “\$5,000” in the fourth line and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 11, subs. 3, amended

2.—(1) Subsection 1 of section 12 of *The Devolution of Estates Act* is amended by striking out “\$5,000” in the fourth line and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 12, subs. 1, amended

(2) Subsection 2 of the said section 12 is amended by striking out “\$5,000” in the first and second lines respectively and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 12, subs. 2, amended

(3) Subsection 3 of the said section 12 is amended by striking out “\$5,000” in the fourth line and inserting in lieu thereof “\$20,000”. R.S.O. 1960, c. 106, s. 12, subs. 3, amended

3. This Act comes into force on the 1st day of January, 1961. Commencement

4. This Act may be cited as *The Devolution of Estates Amendment Act, 1960-61*. Short title

CHAPTER 23

An Act to amend The Energy Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Energy Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 122, s. 5,
amended

(3a) Subject to the regulations, no person shall repressure, maintain pressure in, or flood, any gas or oil horizon by the injection of gas, oil, water or other substance unless he obtains a permit for such purpose, but this prohibition does not apply to a person who injects gas in a designated gas storage area. Injection
of gas, etc.

.

(6a) Subject to the regulations, no person shall install, repair, service or remove or permit or cause to be installed, repaired, serviced or removed any gas appliance unless the installation, repair, service or removal is done or supervised by a person who is registered for such purposes. Idem,
gas
appliances

2. Subsections 1, 2, 3 and 5 of section 8 of *The Energy Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 122, s. 8,
subss. 1-3,
re-enacted;
subs. 5,
repealed

(1) Subject to subsection 2, the Minister may in his discretion, with or without an examination of the applicant, grant or refuse to grant a licence or permit or effect or refuse to effect a registration, and he may, in granting a licence or permit or effecting a registration, impose such terms and conditions as he in his discretion deems proper, and, before granting a licence or permit or effecting a registration, he may refer the matter to the Board and the Board shall hold a hearing and report to him thereon with its recommendations. Powers of
Minister as
to licences,
etc.

Renewal
of licences,
etc.

- (2) The Minister may grant or refuse to grant a renewal of a licence or permit or effect or refuse to effect a renewal of a registration, but, where he refuses to grant a renewal of a licence or permit or to effect a renewal of a registration, he shall, if requested by the applicant, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant or effect or refuse to effect the renewal in accordance with the report.

Wells in
designated
storage
areas

- (3) The Minister shall refer every application for a permit to bore or drill a well in a designated gas storage area to the Board, and the Board shall hold a hearing and report to him thereon, and he shall grant or refuse to grant the permit in accordance with the report.

Suspension,
revocation,
etc.

- (3a) The Minister may in his discretion suspend a licence, permit or registration, but, before so doing, he may, or, after so doing, he shall, refer the matter to the Board, and the Board shall hold a hearing and report to him thereon, and he shall remove the suspension or revoke the licence, permit or registration in accordance with the report.

R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 12,
repealed

3.—(1) Paragraph 12 of subsection 1 of section 9 of *The Energy Act* is repealed.

R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 14,
amended

(2) Paragraph 14 of subsection 1 of the said section 9 is amended by inserting after "units" in the first line "and regulating the location and spacing of wells in drainage units", so that the paragraph shall read as follows:

14. to provide for the designation of drainage units and regulating the location and spacing of wells in drainage units and requiring and regulating the joining of the various interests within a drainage unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

R.S.O. 1960,
c. 122, s. 9,
subs. 1,
amended

(3) Subsection 1 of the said section 9 is amended by adding thereto the following paragraph:

- 25a. providing for the registration of persons or classes of persons who may inspect, install, repair, service and remove gas appliances or pipe lines.

R.S.O. 1960,
c. 122, s. 9,
subs. 1,
par. 28,
amended

(4) Paragraph 28 of subsection 1 of the said section 9 is amended by inserting after "any" in the first line "examination", so that the paragraph shall read as follows:

28. prescribing the fee payable for any examination, licence, permit, label or registration.

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commence-}
^{ment}

5. This Act may be cited as *The Energy Amendment Act*, Short title
1960-61.

CHAPTER 24

An Act to amend The Evidence Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Evidence Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 125,
amended

- 4a.—(1) Notwithstanding any Act, regulation or the rules of court, a stenographic reporter, shorthand writer, stenographer or other person who is authorized to record evidence and proceedings in an action in a court or in a proceeding authorized by or under any Act may record the evidence and the proceedings by any form of shorthand or by any device for recording sound of a type approved by the Attorney General. Recording
of evidence,
etc.
- (2) Notwithstanding any Act, regulation or the rules of court, a transcript of the whole or a part of any evidence that has or proceedings that have been recorded in accordance with subsection 1 and that has or have been certified in accordance with the Act, regulation or rule of court, if any, applicable thereto and that is otherwise admissible by law is admissible in evidence whether or not the witness or any of the parties to the action or proceeding has approved the method used to record the evidence and the proceedings and whether or not he has read or signed the transcript. Admissibility
of
transcripts

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Evidence Amendment Act*, Short title
1960-61.

CHAPTER 25

An Act to amend The Execution Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Execution Act* is amended by inserting after "Act" in the first line "and to section 9a", so that the subsection shall read as follows:

R.S.O. 1960,
c. 126, s. 9,
subs. 1,
amended

- (1) Subject to *The Land Titles Act* and to section 9a, a writ of execution binds the goods and lands against which it is issued from the time of the delivery thereof to the sheriff for execution, but save as to bills of sale and chattel mortgages, no writ of execution against goods prejudices the title to such goods acquired by a person in good faith and for valuable consideration unless such person had, at the time when he acquired his title, notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached has been delivered to the sheriff and remains in his hands unexecuted.

Writs
against
lands and
goods
R.S.O. 1960,
c. 204

2.—(1) *The Execution Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 126,
amended

9a.—(1) Where the name of an execution debtor set out in a writ of execution is not that of a corporation or the firm name of a partnership, the writ does not bind the lands of the execution debtor unless,

Writ not to
bind lands
unless name
of debtor
sufficient

- (a) the name of the execution debtor set out in the writ includes at least one given name in full; or
- (b) a statutory declaration of the execution creditor or his solicitor is filed with the sheriff identifying the execution debtor by at least one given name in full.

When writ
binds land

- (2) Subject to subsection 3, where a statutory declaration is filed under clause *b* of subsection 1, the name of the execution debtor set out in the writ shall be deemed to contain the given names affirmed in the declaration and the writ binds land from the time the declaration is filed.

Transmission
to
land titles
office

R.S.O. 1960,
c. 204

- (3) Where a statutory declaration is filed under clause *b* of subsection 1 in respect of a writ of execution of which a copy has been transmitted to the proper master of titles under section 145 of *The Land Titles Act*, the sheriff shall transmit a copy of the declaration to the proper master of titles and the writ does not bind land registered under *The Land Titles Act* until the copy of the declaration has been received by the proper master of titles.

Notice to
land titles
office of
withdrawal
of writ of
execution

- 9*b*. Where a writ of execution or renewal thereof of which a copy was transmitted to the proper master of titles under section 145 of *The Land Titles Act* is withdrawn, the sheriff shall forthwith transmit to the proper master of titles a certificate under his hand stating that the writ has been withdrawn.

Application

- (2) Section 9*a* of *The Execution Act*, as enacted by subsection 1, applies only to writs of execution filed or renewed after this Act comes into force.

Short title

- 3.** This Act may be cited as *The Execution Amendment Act, 1960-61*.

CHAPTER 26

An Act to amend The Executive Council Act

*Assented to January 27th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Executive Council Act* is amended by striking out "Secretary and Registrar" in the fourth line and inserting in lieu thereof "Provincial Secretary and Minister of Citizenship" and by striking out "Planning" in the ninth line and inserting in lieu thereof "Commerce", so that the section shall read as follows:

2. The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: a President of the Council, an Attorney General, a Provincial Secretary and Minister of Citizenship, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Commerce and Development, a Minister of Travel and Publicity, a Minister of Reform Institutions, a Minister of Transport, a Minister of Energy Resources, and such other ministers as he sees fit, and may by order in council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Executive Council Amendment Act, 1960-61*.

CHAPTER 27

**An Act to amend
The Factory, Shop and Office Building Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 of section 78 of *The Factory, Shop and Office Building Act* is amended by striking out "a by-law" unless all such regulations have been duly observed" in the fifth line and inserting in lieu thereof "by-law appears best fitted to ensure the publicity thereof", so that the subsection shall read as follows:

R.S.O. 1960,
c. 130, s. 78,
subs. 10,
amended

(10) A by-law passed under this section takes effect at a date named therein, being not less than one nor more than two weeks after its passing, and shall before that date be published in such manner as to the council passing the by-law appears best fitted to ensure the publicity thereof.

Commence-
ment and
publication
of by-laws

2. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Commence-
ment

3. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1960-61*.

Short title

CHAPTER 28

An Act to amend The Fair Accommodation Practices Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Fair Accommodation Practices Act* is amended by inserting after "person" in the first line "directly or indirectly, alone or with another, by himself or by the interposition of another", so that the section shall read as follows:

R.S.O. 1960,
c. 131, s. 2,
amended

2. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

Discrimination
prohibited,
where public
admitted

2. *The Fair Accommodation Practices Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 131,
amended

2a. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall deny to any person or class of persons occupancy of any dwelling unit in any building that contains more than six self-contained dwelling units because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

Discrimination
prohibited,
apartment
houses

3. This Act may be cited as *The Fair Accommodation Practices Amendment Act, 1960-61*.

Short title

CHAPTER 29

An Act to amend The Fire Marshals Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 19 of *The Fire Marshals Act* is amended by inserting after “it” in the seventh line “and prepare written reasons for his decision” and by inserting after “decision” in the eighth line “and the reasons therefor”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 148, s. 19,
subs. 5,
amended

- (5) If the occupant or owner of any such building or premises deems himself aggrieved by an order made by an officer other than the Fire Marshal under this section, then in case the order is made under clause *a* of subsection 2 or subsection 4, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine the order and affirm, modify or revoke it and prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be served upon the party appealing.

Appeal to
Fire
Marshal

(2) Subsection 8 of the said section 19 is amended by inserting after “2” in the fifth line “and the Fire Marshal shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be served upon the person appealing”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 148, s. 19,
subs. 8,
amended

- (8) In the case of an order made under clause *b* or *c* of subsection 2 or under subsection 3 by an officer other than the Fire Marshal, the occupant or owner has the like right of appeal to the Fire Marshal as in the case of an order made under clause *a* of subsection 2, and the Fire Marshal shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be served upon the person appealing, and the decision of the Fire

When
appeal to
Fire
Marshal
is final

Marshal upon the appeal is final and is not subject to appeal.

Commence-
ment

2. This Act comes into force on the 1st day of January, 1961.

Short title

3. This Act may be cited as *The Fire Marshals Amendment Act, 1960-61*.

CHAPTER 30

An Act respecting the Fluoridation of Public Water Supplies

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chief Election Officer" means the Chief Election Officer appointed under *The Election Act*; R.S.O. 1960,
c. 118
- (b) "electors" means electors as defined in *The Municipal Act* and, in a municipality that has a resident voters' list under *The Municipal Franchise Extension Act*, includes the persons on such list; R.S.O. 1960,
cc. 249, 254
- (c) "fluoridation system" means a system comprising equipment and materials for the addition of a chemical compound to release fluoride ions into a public water supply.

2.—(1) Where a local municipality or a local board thereof owns or operates a waterworks system, the council of the municipality may by by-law establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system. Establish-
ment of
system

(2) The council may before passing a by-law under sub-section 1 submit the following question to the electors of the municipality: Vote as to
establish-
ment of
system

Are you in favour of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on

the

the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance of
system

3.—(1) Where a local municipality or a local board thereof has a fluoridation system in connection with its waterworks system, the council of the municipality may by by-law discontinue, or require the local board to discontinue, the fluoridation system.

Vote as to
discon-
tinuance of
system

(2) The council may before passing a by-law under subsection 1 submit the following question to the electors of the municipality:

Are you in favour of the discontinuance of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

When
question
may be
submitted

4.—(1) The council may submit a question under this Act to the electors at any time.

Petition

(2) Upon the presentation of a petition requesting that a question under this Act be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following.

Idem

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality, and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is conclusive for all purposes.

Joint water-
works, esta-
blishment
of system

5.—(1) Where a waterworks system is operated by or for two or more local municipalities, the body operating the waterworks system shall establish, maintain and operate a fluoridation system in connection therewith,

(a)

- (a) where there are two such municipalities, only after the councils of both such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities; or
- (b) where there are more than two such municipalities, only after the councils of a majority of such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities.

(2) A fluoridation system established under subsection 1 shall be discontinued where the councils of both municipalities or of a majority of the municipalities, as the case may be, have passed by-laws requiring the discontinuance of the fluoridation system in their respective municipalities. Idem, discontinuance

(3) Where petitions signed by at least 10 per cent of the electors in each such municipality, where there are two such municipalities, or in each of a majority of such municipalities, where there are more than two, are presented to the Chief Election Officer requesting that a question under this Act be submitted in both or all of such municipalities, as the case may be, each of the municipalities by or for which the water-works system is operated shall submit the question to its electors on a date to be fixed by the Chief Election Officer, and the clerk of each such municipality shall certify the result of the vote in his municipality to the Chief Election Officer. Vote on question upon petition

(4) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 2 is in the affirmative, each such municipality shall pass a by-law under subsection 1, or, if a majority of the votes cast in both or all of such municipalities, as the case may be, is in the negative, no by-law under subsection 1 shall be passed until the question has again been submitted to and has received the affirmative vote of a majority of the electors who vote on it. Result of vote, establishment

(5) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 3 is in the affirmative, the council of each such municipality shall pass a by-law requiring the discontinuance of the fluoridation system in its municipality. Idem, discontinuance

6.—(1) The council of any local municipality that obtains its water supply under an agreement with a company public utility may pass a by-law requiring the fluoridation of the water supply, and thereupon the company shall establish, maintain and operate a fluoridation system in connection with the water supply of the municipality on such terms and Company public utilities

conditions as the council of the municipality and the company agree upon or, failing agreement, as are determined by arbitration under *The Arbitrations Act*.

R.S.O. 1960,
c. 18

Idem, dis-
continuance

(2) Any fluoridation system established under subsection 1 shall be discontinued where the council of the municipality has passed a by-law requiring its discontinuance, and the terms and conditions of the discontinuance may be agreed upon by the council of the municipality and the company or, failing agreement, may be determined by arbitration under *The Arbitrations Act*.

R.S.O. 1960,
c. 18

Metropolitan
Toronto

R.S.O. 1960,
c. 260

7.—(1) In this section, the expressions “area municipality” and “Metropolitan Corporation” have the same meanings as in *The Municipality of Metropolitan Toronto Act*.

Establish-
ment and
discon-
tinuance of
system

(2) The council of the Metropolitan Corporation may by by-law establish, maintain and operate or discontinue a fluoridation system in connection with the Metropolitan waterworks system.

Vote on
question

(3) The council of the Metropolitan Corporation may fix a day for the submission of a question under this Act to the electors, in which event the area municipalities shall submit the question to their respective electors accordingly, and the clerk of each area municipality shall forthwith certify the result of the vote in his area municipality to the clerk of the Metropolitan Corporation.

Idem, upon
petition

(4) Where petitions signed by at least 10 per cent of the electors in each of a majority of the area municipalities, certified by the clerks of the respective area municipalities, are presented to the Metropolitan Corporation requesting that a question under this Act be submitted under subsection 3, the council of the Metropolitan Corporation shall fix a day for the submission of the question under subsection 3.

Establish-
ment after
vote

(5) If a majority of the votes cast in all of the area municipalities on the question set out in section 2 is in the affirmative, the Metropolitan Corporation shall pass a by-law under subsection 2, or, if a majority of the votes cast in all of the area municipalities is in the negative, a by-law under subsection 2 shall not be passed until the question has again been submitted and has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance
after vote

(6) If a majority of the votes cast in all of the area municipalities on the question set out in section 3 is in the affirmative,

the council of the Metropolitan Corporation shall pass a by-law discontinuing the fluoridation system in connection with the Metropolitan waterworks system.

8. Every fluoridation system that is being operated under the authority of *The Public Health Act* when this Act comes into force shall be deemed to have been established and to be maintained and operated under the authority of this Act. ^{Existing systems R.S.O. 1960, c. 321}

9.—(1) The Lieutenant Governor in Council may make Regulations regulations,

(a) governing and regulating the equipment and processes that may be used in fluoridation systems;

(b) prescribing the nature and amount of the chemical compounds that may be used in fluoridation systems;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. ^{Idem}

10. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

11. This Act may be cited as *The Fluoridation Act, 1960-61*. ^{Short title}

CHAPTER 31

An Act to amend The Forest Fires Prevention Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 25 of *The Forest Fires Prevention Act* is amended by inserting after "thereunder" in the third line "or any condition of any permit issued thereunder", so that the subsection shall read as follows:

R.S.O. 1960,
c. 152, s. 25,
subs. 1,
amended

- (1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or the regulations or of any order made thereunder or any condition of any permit issued thereunder is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$300 or to imprisonment for a term of not more than three months, or to both, and such person is also liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1960-61*.

Short title

CHAPTER 32

An Act to amend The Game and Fisheries Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Game and Fisheries Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 158,
amended

3a.—(1) Land may be acquired under *The Public Works Act* for the purposes of conservation, management and propagation of the fish and wildlife resources. Acquisition
of land
R.S.O. 1960,
c. 338

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. Idem

2. Section 14 of *The Game and Fisheries Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 158, s. 14,
re-enacted

14. No person or his clerk, servant or agent shall, Dealing in
caribou,
deer,
moose

(a) buy, sell, expose or keep for sale; or

(b) for any valuable consideration barter, give or obtain from any other person,

any caribou, deer or moose wherever killed or procured.

3. Section 29 of *The Game and Fisheries Act* is amended by inserting after "hunt" in the fourth line "black bear, polar bear", so that the section shall read as follows: R.S.O. 1960,
c. 158, s. 29,
amended

29. Except during such times and under such terms and conditions and in such parts of Ontario as the Hunting
certain
game pro-
hibited

Lieutenant Governor in Council prescribes, no person shall hunt or attempt to hunt black bear, polar bear, caribou, deer or moose.

R.S.O. 1960,
c. 158, s. 31,
amended

4. Section 31 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Exception,
party

- (4) Where two or more persons who hold licences to hunt moose are hunting as a party, any member of the party may take or kill the number of moose that is equal to the number of such licences held by the members of the party, but in no case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party.

R.S.O. 1960,
c. 158, s. 33,
subs. 8,
amended

5. Subsection 8 of section 33 of *The Game and Fisheries Act* is amended by inserting after "a" in the first line "black bear, polar bear, caribou", so that the subsection shall read as follows:

Certain
game not
to be
taken by
trap, etc.

- (8) No person shall trap or take a black bear, polar bear, caribou, deer or moose by means of traps, nets, snares, baited lines or other similar contrivances or set any of them for any such animal, and, if set, any person may destroy them without incurring any liability.

R.S.O. 1960,
c. 158, s. 41,
amended

6. Section 41 of *The Game and Fisheries Act* is amended by striking out "42" in the third line and inserting in lieu thereof "40".

R.S.O. 1960,
c. 158, s. 51,
amended

7. Section 51 of *The Game and Fisheries Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Fish
sanctuaries

51. The Minister may set apart any waters for the conservation or propagation of fish.

R.S.O. 1960,
c. 158, s. 53,
subs. 1,
re-enacted

8. Subsection 1 of section 53 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

No traffic
in certain
fish

- (1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of an Atlantic salmon taken from Ontario waters, a small-mouthed black bass, large-mouthed black bass, maskinonge, ouananiche, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but, under the authority of a licence issued by the

Minister and subject to such terms and conditions as the Lieutenant Governor in Council prescribes, a person may sell,

- (a) small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout and Aurora trout for the purpose of stocking; and
- (b) speckled trout, brown trout and rainbow trout for human consumption.

9. Subsection 2 of section 56 of *The Game and Fisheries Act* R.S.O. 1960, c. 158, s. 56, subs. 2, repealed is repealed.

10. Subsection 5 of section 66 of *The Game and Fisheries Act* R.S.O. 1960, c. 158, s. 66, subs. 5, amended is amended by striking out "the nearest" in the fifth line and inserting in lieu thereof "a", so that the subsection shall read as follows:

- (5) Every person found contravening subsection 2 may Right of apprehension be apprehended without warrant by a peace officer or by the owner of the land on which the contravention takes place, or by the servant of, or any person authorized by, such owner, and be taken forthwith to a justice of the peace to be dealt with according to law.

11. *The Game and Fisheries Act* is amended by adding R.S.O. 1960, c. 158, amended thereto the following section:

- 66a. Every person is guilty of the offence of hunting Offence of hunting carelessly carelessly who, being in possession of a fire-arm or air-gun for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm or air-gun without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both.

12.—(1) Paragraph 21 of subsection 1 of section 82 of *The Game and Fisheries Act* R.S.O. 1960, c. 158, s. 82, subs. 1, par. 21, amended is amended by inserting after "which" in the third line "black bear, polar bear", so that the paragraph shall read as follows:

- 21. prescribing the open seasons during which and the terms and conditions upon which and the parts of Ontario in which black bear, polar bear, caribou, deer or moose may be hunted.

R.S.O. 1960,
c. 158, s. 82,
subs. 1,
amended

(2) Subsection 1 of the said section 82 is amended by adding thereto the following paragraph:

27*a.* governing the sale under clause *a* or *b* of subsection 1 of section 53 of small-mouthed black bass, large-mouthed black bass, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished to the holder of a licence to sell any such fish, and requiring such holder to use such seal, tag or other means of identification in such manner as may be prescribed.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1960-61*.

CHAPTER 33

**An Act to amend
The Highway Improvement Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 6 of section 22 of *The Highway Improvement Act* is amended by striking out "the cost of construction of a" in the fourth line and inserting in lieu thereof "75 per cent of the cost of the", so that the clause shall read as follows:

R.S.O. 1960,
c. 171, s. 22,
subs. 6, cl. b,
amended

(b) where the highway is in a town, not being a separated town, having a population of more than 2,500 or in a village having a population of more than 2,500, a sum equal to 75 per cent of the cost of the construction of a roadway of a width of not less than 22 feet and not more than 48 feet and of the maintenance of a roadway having a width of not more than 48 feet; and

.

2. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Commence-
ment

3. This Act may be cited as *The Highway Improvement Amendment Act, 1960-61*.

Short title

CHAPTER 34

An Act to amend The Highway Traffic Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 16 of *The Highway Traffic Act* are repealed. R.S.O. 1960,
c. 172, s. 16,
subss. 4-7,
repealed

2. Section 20 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 20,
re-enacted

20.—(1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 or section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for criminal
negligence,
etc., or
driving
while
intoxicated
1953-54,
c. 51 (Can.)

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

*(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in sub- Subsequent
offence

section 1, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

Idem

- (3) Where a person has been convicted of an offence under section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
amended

3. Section 21 of *The Highway Traffic Act* is amended by striking out "subsection 1 of section 221 or" in the second line, so that the section shall read as follows:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

21. Subject to section 22, the licence of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Interpre-
tation of
"sub-
sequent"
for ss. 20, 21

- 21a. Notwithstanding section 155, where a penalty is provided in sections 20 and 21 for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960,
c. 172, s. 36,
amended

5. Section 36 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Adoption
of codes by
reference

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid.

6.—(1) Subsection 1 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 172, s. 52, subs. 1, amended

- (c) "pole-trailer" means a trailer attached to a towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly-shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(2) Paragraph 1 of subsection 2 of the said section 52 is amended by striking out "other than those mentioned in clauses *b*, *c* and *d*" in the first and second lines and inserting in lieu thereof "except as otherwise provided in this Part", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 1, amended

1. The gross weight of a vehicle except as otherwise provided in this Part shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight of other vehicles

(3) Paragraphs 2 and 3 of subsection 2 of the said section 52 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 52, subs. 2, pars. 2, 3, re-enacted

2. The gross weight of a vehicle with three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, except a semi-trailer with three axles, shall not exceed 42,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight upon three axles
- 2a. Notwithstanding paragraph 2, the gross weight of a combination of vehicles consisting of a motor vehicle with three axles and semi-trailer with three axles shall not exceed 80,000 pounds. As to weight of three-axle motor vehicle with semi-trailer attached
3. When a conversion unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in paragraph 2 is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 42,000 pounds. As to weight of conversion unit and two-axle vehicle

(4) Paragraph 5 of subsection 2 of the said section 52 is amended by inserting after "axles" in the first line "or a pole-trailer with two axles" and by striking out "30,000" in the fourth line and inserting in lieu thereof "32,000", so that the paragraph shall read as follows: R.S.O. 1960, c. 172, s. 52, subs. 2, par. 5, amended

As to weight
of two-axle
semi-trailers,
etc.

5. The gross weight of a semi-trailer with two axles or a pole-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
subs. 2,
amended

- (5) Subsection 2 of the said section 52 is amended by adding thereto the following paragraph:

As to weight
of three-axle
semi-trailers,
etc.

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
amended

- (6) The said section 52 is amended by adding thereto the following subsections:

Moving of
three-axle
semi-trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 31st day of December, 1965.

Combination
of more
than one
motor
vehicle and
trailer, and
combination
exceeding
84,000
pounds,
prohibited

- (2b) After the 31st day of December, 1965,

- (a) no combination of more than one motor vehicle and one trailer, except where such combination includes a pole-trailer; and
- (b) no combination of vehicles having a gross weight of more than 84,000 pounds,

shall be moved upon a highway.

R.S.O. 1960
c. 172,
Part VIII,
amended

7. Part VIII of *The Highway Traffic Act* is amended by adding thereto the following section:

Direction
of traffic by
constable

- 62a. Where a constable or other police officer considers it reasonably necessary,

- (a) to ensure orderly movement of traffic; or
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding the provisions of this Part, and every person shall obey his directions.

8.—(1) Section 69 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 69,
amended

- (1a) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. Signal when
moving
from
parked
position

(2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsections 1 and 1a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 69,
subs. 2,
amended

- (2) The signal required in subsections 1 and 1a shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in subsection 4. Mode of
signalling
turn

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

69a. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when, U-turns
prohibited

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 500 feet;
- (b) on a railway crossing or within 100 feet of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet; or
- (d) within 500 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance.

10.—(1) Subsection 5 of section 70 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 70,
subs. 5,
repealed

R.S.O. 1960,
c. 172, s. 70,
amended

(2) The said section 70 is amended by adding thereto the following subsection:

Amber
light

(5a) When an amber signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, provided that, where any such vehicle or car cannot be brought to such a stop in safety, it may be driven cautiously across the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 6,
re-enacted

(3) Subsection 6 of the said section 70 is repealed and the following substituted therefor:

Flashing
red

(6) Where a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and upon entering the intersection shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 9,
amended

(4) Subsection 9 of the said section 70 is amended by adding at the end thereof "and to pedestrians lawfully within a crosswalk", so that the subsection shall read as follows:

Turns
subject to
pedestrian
right of way

(9) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection and to pedestrians lawfully within a crosswalk.

R.S.O. 1960,
c. 172, s. 70,
subs. 12,
repealed

(5) Subsection 12 of the said section 70 is repealed.

R.S.O. 1960,
c. 172, s. 70,
amended

(6) The said section 70 is further amended by adding thereto the following subsections:

- (12a) When a red or amber signal-light is shown at an intersection, a pedestrian approaching such intersection and facing such light shall not enter the roadway until a green light is shown.

- (14a) After the 31st day of December, 1961, no signal-light traffic control system installed before or after such date shall be operated in such a manner as to show green and amber signal-lights simultaneously.

11.—(1) Subsection 1 of section 73 of *The Highway Traffic Act* is amended by striking out “within a city, town or village” in the third line, so that the subsection shall read as follows:

- (1) Notwithstanding section 71 and subject to subsection 2, the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

- (2) Subsection 3 of the said section 73 is repealed.

R.S.O. 1960,
c. 172, s. 73,
subs. 3,
repealed

12. Section 94 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 94,
re-enacted

- 94.—(1) In subsections 2 to 4, “school bus” means a motor vehicle used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words “do not pass when bus is stopped”; and
- (b) is equipped with two red signal-lights on the rear thereof and two amber signal-lights on the front thereof,

as required by the regulations.

Duty of
driver when
school bus
stopped on
highway

- (2) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children, the driver of a vehicle,

(a) when overtaking the school bus on the rear of which the words "do not pass when bus is stopped" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating;

(b) when meeting on such a highway, other than a highway with separate roadways, the school bus on the front of which two amber signal-lights are illuminated by intermittent flashes, shall reduce the speed of the vehicle at a distance of not less than 100 feet from the school bus to a reasonable and proper speed having due care for the safety of pedestrians and shall so proceed past the school bus for a distance of not less than 100 feet.

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when bus is stopped" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

Regulations
re school
buses

- (5) The Lieutenant Governor in Council may make regulations,

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(b) prescribing the type, design and colour of school buses or any class thereof and the markings to be displayed thereon;

(c)

- (c) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of such vehicles or any class or type thereof.

13. Subsections 7, 8 and 9 of section 129 of *The Highway Traffic Act* are repealed and the following substituted therefor:
R.S.O. 1960, c. 172, s. 129, subs. 7-9, re-enacted

- (7) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario, provided that no payment shall include an amount in respect of the judgment that would not be payable by the law of the jurisdiction in which such person resides.
Payments to non-residents
- (8) The Minister shall not pay out of the Fund costs of an action of more than the actual disbursements and fees as awarded in the judgment as between parties to the action.
Costs
- (9) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment.
Idem

14. Subsection 3 of section 139 of *The Highway Traffic Act* is amended by striking out "as taxed on a party and party basis" in the third and fourth lines and inserting in lieu thereof "as awarded in the judgment as between parties to the action", so that the subsection shall read as follows:
R.S.O. 1960, c. 172, s. 139, subs. 3, amended

Costs

- (3) The Minister shall not pay out of the Fund costs, including costs of the application made under section 134, of more than actual disbursements and fees as awarded in the judgment as between parties to the action.

R.S.O. 1960,
c. 172,
amended

15. *The Highway Traffic Act* is amended by adding thereto the following section:

Duty of
person in
charge of
vehicle in
case of
accident

143a.—(1) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- (a) remain at or immediately return to the scene of the accident;
- (b) render all possible assistance; and
- (c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Penalty

- (2) Every person who contravenes any of the provisions of subsection 1 is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172,
s. 152,
subs. 1,
re-enacted

16. Subsection 1 of section 152 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Report on
conviction
to Registrar

- (1) A judge, magistrate or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

17.—(1) This Act, except sections 1 to 4, subsections 1, 2, 5 ^{Commence-} and 6 of section 6 and sections 7 to 12, 15 and 16, comes into ^{ment} force on the day it receives Royal Assent.

(2) Sections 1 to 4, subsections 1, 2, 5 and 6 of section 6, ^{Idem} sections 7 to 9, subsections 2, 3, 4 and 6 of section 10 and sections 11, 12, 15 and 16 come into force on the 1st day of July, 1961.

(3) Subsections 1 and 5 of section 10 come into force on the ^{Idem} 1st day of January, 1962.

18. This Act may be cited as *The Highway Traffic Amend-* ^{Short title} *ment Act, 1960-61.*

CHAPTER 35

**An Act to amend
The Homes for the Aged Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 174, s. 8, subs. 1, re-enacted

(1) Subject to subsection 1a, the council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant Governor in Council, appoint a superintendent for the home or joint home who has, in the opinion of the Minister, served satisfactorily as a superintendent for a period of at least six months and has successfully completed a course of instruction that is approved by the Minister. Superintendent, appointment

(1a) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint a person to act temporarily as superintendent of the home or joint home for a period not exceeding one year. temporary appointment

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 174, s. 8, amended

(3) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Minister, appoint a legally qualified medical practitioner as the physician for the home or joint home who is responsible for the medical care and services provided to the residents thereof. Medical care

R.S.O. 1960,
c. 174, s. 13,
re-enacted

2. Section 13 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

Who may
be admitted
and
maintained

13. Any person,

- (a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;
- (b) who is over the age of sixty years and mentally incompetent and who requires care, supervision and control for his protection, but who is not a mentally ill person or a mentally defective person within the meaning of *The Mental Hospitals Act* and who is not eligible for admission to an institution under that Act;
- (c) who is over the age of sixty years and who requires bed care and general personal nursing services, but does not require care in a hospital; or
- (d) who is under the age of sixty years and who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

R.S.O. 1960,
c. 236

may be admitted to and maintained in a home or joint home by the committee of management or the board of management, as the case may be, upon receipt of,

- (e) an authorization in the prescribed form signed by the head of the council of a city, town, village or township or, in a county in which the county council has designated the warden to sign such authorization, by the warden or, in a city having a population of not less than 100,000, by such member of the council as the mayor has designated or, where the person resides in unorganized territory, by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose;
- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;

(h)

- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose; and
- (i) a statement in the prescribed form certifying that the applicant is eligible for admission to the home or joint home under clause *a*, *b*, *c* or *d* and signed by the physician of the home or joint home.

3. Subsection 4 of section 15 of *The Homes for the Aged Act* R.S.O. 1960, c. 174, s. 15, subs. 4, amended is amended by adding at the end thereof "and section 13 applies *mutatis mutandis* to the placing of a person in special-home care", so that the subsection shall read as follows:

- (4) A person placed in special-home care shall for all Person considered a resident of the home other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in special-home care.

4. Section 17 of *The Homes for the Aged Act* is amended by R.S.O. 1960, c. 174, s. 17, amended striking out "a district welfare administrator or district welfare supervisor" in the fourth and fifth lines and inserting in lieu thereof "a regional welfare administrator", so that the section shall read as follows:

- 17. A public welfare administrator or public welfare Affidavits commissioner of a county, city, separated town, town, village or township, or any of his assistants authorized by the municipal council, and a regional welfare administrator of the Department of Public Welfare and any other employee of the Department of Public Welfare designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario.

5.—(1) Subsection 1 of section 19 of *The Homes for the Aged Act* is amended by striking out "last revised assessment rolls as equalized" in the fourth and fifth lines and inserting in lieu thereof "assessment rolls as revised and equalized in the immediately preceding year", so that the subsection shall read as follows:

Maintenance
of homes in
districts

- (1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their assessment rolls as revised and equalized in the immediately preceding year.

R.S.O. 1960,
c. 174, s. 19,
subs. 2,
amended

- (2) Subsection 2 of the said section 19 is amended by striking out "before the 10th day of February" in the third line, so that the subsection shall read as follows:

Assessment
to be
revised
and
equalized

- (2) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district.

R.S.O. 1960,
c. 174, s. 91,
amended

- (3) The said section 19 is amended by adding thereto the following subsection:

Operating
reserve

- (3a) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

R.S.O. 1960,
c. 174, s. 19,
subs. 5,
amended

- (4) Subsection 5 of the said section 19 is amended by inserting after "Affairs" in the third line "under subsection 2" and by striking out "according to their assessment rolls as returned" in the sixth and seventh lines and inserting in lieu thereof "most recently equalized", so that the subsection shall read as follows:

Where
assessments
not
equalized
in time

- (5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 2 before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall reapportion the amount and make the necessary adjustments after the equalization is completed.

R.S.O. 1960,
c. 174, s. 23,
subs. 3,
amended

- 6.** Subsection 3 of section 23 of *The Homes for the Aged Act* is amended by striking out "fifteen" in the fifth line and inserting in lieu thereof "eight", so that the subsection shall read as follows:

What to be
included and
excluded in
computing
cost

- (3) In computing the amount of the cost of the new building, or the alteration of a building by an addition

or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of eight acres and the cost of any barns or other similar outbuildings shall not be included.

7. This Act comes into force on the day it receives Royal ^{Commence-}Assent.^{ment}

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1960-61*. ^{Short title}

CHAPTER 36

An Act to amend The Hotel Fire Safety Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 23 of *The Hotel Fire Safety Act* ^{R.S.O., 1960, c. 179, s. 23, amended} is amended by inserting after "it" in the fourth line "and he shall prepare written reasons for his decision" and by inserting after "decision" in the fourth line "and the reasons therefor", so that the subsection shall read as follows:

(2) If the hotelkeeper feels aggrieved by the order, he may appeal within ten days from the service of the order to the Fire Marshal who shall examine the order and affirm, modify or revoke it, and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be delivered to the hotelkeeper by personal service or by registered mail. ^{Right of appeal}

2. This Act comes into force on the 1st day of January, 1961. ^{Commencement}

3. This Act may be cited as *The Hotel Fire Safety Amendment Act, 1960-61*. ^{Short title}

CHAPTER 37

An Act to amend The Housing Development Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960.
c. 182, s. 6,
subs. 1,
re-enacted

- (1) The Crown in right of Ontario represented by the Minister of Commerce and Development may make agreements with the Crown in right of Canada represented by the Minister of Public Works or such other Minister as may be authorized in that behalf respecting joint projects as contemplated in section 36 of the *National Housing Act, 1954* (Canada) for, Joint
housing
projects
authorized

1953-54,
c. 23 (Can.)

(a) the acquisition and development of land for housing purposes;

(b) the construction of housing projects for sale or for rent; and

(c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada). 1945
(2nd Sess.),
c. 15 (Can.)

2. *The Housing Development Act* is amended by striking out "Minister of Planning and Development", R.S.O. 1960.
c. 182,
amended

(a) in the first line of subsection 1 of section 7;

(b) in the sixth and seventh lines of subsection 2 of section 7;

(c)

- (c) in the first line of subsection 3 of section 7;
- (d) in the third line of subsection 4 of section 7;
- (e) in the first and second lines of section 12;
- (f) in the second and third lines of subsection 1 of section 16;
- (g) in the second and third lines of subsection 2 of section 16;
- (h) in the first and second lines of section 17; and
- (i) in the second and third lines of section 18,

respectively, and inserting in lieu thereof "Minister of Commerce and Development".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Housing Development Amendment Act, 1960-61*.

CHAPTER 38

An Act to protect the Public from the Use of Hypnosis by Unqualified Persons

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Minister of Health shall administer and enforce this Act and he may designate any officer of the Department of Health or any medical officer of health or he may appoint any legally qualified medical practitioner for the purpose of making any investigation or inquiry necessary therefor.

Minister of Health to administer Act

(2) Any person designated or appointed under subsection 1 has all the powers of a medical officer of health under *The Public Health Act*.

Powers of designees R.S.O. 1960, c. 321

2. Subject to section 3, no person shall hypnotize or attempt to hypnotize another person.

Hypnosis prohibited

3. Section 2 does not apply to,

Exceptions

- (a) any legally qualified medical practitioner using hypnosis in the practice of his profession;
- (b) any dentist registered under *The Dentistry Act* using hypnosis in the practice of his profession;
- (c) any psychologist registered under *The Psychologists Registration Act* using hypnosis in the practice of his profession on the request of, or in association with, a legally qualified medical practitioner;
- (d) any *bona fide* student registered in a course leading to qualification in one of the professions mentioned in this section practising hypnosis for the purpose of study under the instruction and supervision of a legally qualified medical practitioner, a dentist

registered

registered under *The Dentistry Act* or a psychologist registered under *The Psychologists Registration Act*; or

- (e) any member of any class of persons designated by the regulations made under this Act.

Regulations

4. The Lieutenant Governor in Council may make regulations designating classes of persons to whom section 2 does not apply and prescribing the terms, conditions and circumstances under which members of any designated class may use hypnosis.

Offence

5. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both, and for any subsequent offence to a fine of not less than \$200 and not more than \$2,000 or to imprisonment for a term of not more than nine months, or to both.

Limitations

6. Every prosecution under this Act shall be commenced within one year from the date of the alleged offence.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Hypnosis Act, 1960-61*.

CHAPTER 39

The Income Tax Act, 1960-61

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INCOME TAX

DIVISION A—LIABILITY FOR TAX

1.—(1) An income tax shall be paid as hereinafter required upon the tax payable under Part I of the *Income Tax Act* (Canada) for each taxation year by every individual resident in Ontario at any time in the year.

(2) Where an individual who is not taxable under sub-section 1 for a taxation year,

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of the *Income Tax Act* (Canada) for each taxation year. R.S.O. 1950, c. 175, s. 1.

2.—(1) The tax payable under this Part for each taxation year designated is the amount resulting from applying the following percentages to the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year:

Taxation year	Rate
1962.....	16 per cent
1963.....	17 " "
1964.....	18 " "
1965.....	19 " "
1966.....	20 " "

Idem (2) The tax payable for each taxation year following the taxation year 1966 is 20 per cent of the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year.

R.S.C. 1952,
c. 148

Idem (3) For the purposes of subsections 1 and 2, the tax payable under section 32 of the *Income Tax Act* (Canada) means the tax otherwise payable under Part I of the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 2, *amended*.

DIVISION B—APPLICATION OF THE INCOME TAX ACT (CANADA)

Application of R.S.C. 1952, c. 148 **3.** For the purposes of this Act, all the provisions of the *Income Tax Act* (Canada) comprising,

- (a) Part I, except Divisions F, I and J;
- (b) Part VI;
- (c) Part VII; and
- (d) Part VIII,

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, apply *mutatus mutandis* under this Act, except that in this Act the Treasurer and Comptroller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister respectively under the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 3.

DIVISION C—RETURNS, ASSESSMENTS, PAYMENTS AND APPEALS

Returns **4.—(1)** A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Comptroller in the prescribed form and containing the prescribed information,

Deceased persons

- (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of his death;

Estates and trusts

- (b) in the case of an estate or trust, within ninety days from the end of the year;

Individuals

- (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or

(d)

- (d) in a case where no person described by clause *a*, *b* ^{Designated persons} or *c* has filed the return, by such person as is required by notice in writing from the Comptroller to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Part ^{Demand for returns} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as is stipulated in the registered letter, with the Comptroller in prescribed form and containing prescribed information a return of his tax for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor ^{Death of a partner or proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable under this Part with respect to the business of the taxpayer after the close of the fiscal period to the date of death shall be paid as if such tax were the tax payable by another taxpayer. R.S.O. 1950, c. 175, s. 4, *amended*.

5. Every taxpayer or person required by section 4 to file ^{Estimate of tax} a return shall in the return estimate the amount of tax payable. R.S.O. 1950, c. 175, s. 5, *amended*.

6.—(1) The Treasurer shall, with all due despatch, examine ^{Rules re assessments} each return and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of the return, the Treasurer shall ^{Idem} send a notice of assessment to the taxpayer or person by whom the return was filed.

(3) Liability for tax under this Part is not affected by an ^{Idem} incorrect or incomplete assessment or by the fact that no assessment has been made. R.S.O. 1950, c. 175, s. 6 (1-3).

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Part or notify in writing any person by whom a return of tax payable for a taxation year has been filed that no tax is payable for the taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in sub-clause ii of clause a, in any other case,

re-assess or make additional assessments or assess tax, interest or penalties under this Part, as the circumstances require. R.S.O. 1950, c. 175, s. 6 (4), *amended*.

Idem

(5) Where a taxpayer has filed a return required by section 4 for a taxation year and, within one year from the day on or before which he was required by section 4 to file the return for that year, has filed an amended return for the year claiming a reduction in the tax payable for that year pursuant to a deduction from income under paragraph e of subsection 1 of section 27 of the *Income Tax Act* (Canada) in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the tax of the taxpayer for the year. *New*.

R.S.C. 1952,
c. 148

Idem

(6) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

Idem

(7) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. R.S.O. 1950, c. 175, s. 6 (5, 6).

7.—(1) Every person paying,Withholding
tax

- (a) salary or wages or other remuneration to an officer or employee;
- (b) superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment; or
- (g) fees, commissions or other amounts for services,

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part. R.S.O. 1950, c. 175, s. 7 (1), *amended*.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable under this Part for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. R.S.O. 1950, c. 175, s. 7 (2). Payment of
remainder

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. Effect of
deduction

(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends on shares, the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to $3\frac{1}{2}$ per cent thereof to the Treasurer at such time as is prescribed on account of the tax payable by the beneficial owner under this Part for the taxation year in which the dividend was received by the broker or dealer. Dividends
received
by brokers

Effect of
deduction

(5) Where an amount has been remitted to the Treasurer under subsection 4, it shall for all the purposes of this Act be deemed,

- (a) to have been received by the beneficial owner of the dividends; and
- (b) to have been deducted or withheld from such amount as would otherwise be payable by the broker or dealer to the beneficial owner in respect of the dividends. *New.*

Farmers and
fishermen

8. Every taxpayer, whose chief source of income is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 8, *amended.*

Other
individuals

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 9.

Payment of
remainder

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer the part, if any, of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. R.S.O. 1950, c. 175, s. 10, *amended.*

11.—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. R.S.O. 1950, c. 175, s. 11 (1). Payment on behalf of others

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that the taxes, interest and penalties that have been assessed under this Act and are chargeable against or payable out of the property have been paid or that security for the payment thereof has, in accordance with subsection 4 of section 24, been accepted by the Treasurer. R.S.O. 1950, c. 175, s. 11 (2), *amended*. Certificate before distribution

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. R.S.O. 1950, c. 175, s. 11 (3). Liability

12.—(1) Where a person has, on or after the 1st day of May, 1951, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, Tax with respect to property transferred between husband and wife or to minors

(a) to his spouse or to a person who has since become his spouse; or

(b) to a person who was under nineteen years of age,

the transferee and the transferor are jointly and severally liable to pay a part of the tax of the transferor under this Part for each taxation year equal to the amount by which the tax for the year is greater than it would have been if it were not for the operation of section 21 or 22 of the *Income Tax Act* (Canada), as the case may be, in respect of income from the property so transferred or from property substituted therefor. R.S.C. 1952, c. 148

(2) The Treasurer may at any time assess a transferee in respect of any amount payable by virtue of this section and the provisions of this Division are applicable *mutatis mutandis* in respect of an assessment made under this section as though it had been made under section 6. Treasurer may assess transferee

Rules
applicable

(3) Where a transferor and a transferee have, by virtue of subsection 1, become jointly and severally liable in respect of part or all of a liability of the transferor under this Act, the following rules are applicable:

1. a payment by the transferee on account of his liability shall to the extent thereof discharge the joint liability; but
2. a payment by the transferor on account of his liability only discharges the liability of the transferee to the extent that the payment operates to reduce the liability of the transferor to an amount less than the amount in respect of which the transferee was, by virtue of subsection 1, made jointly and severally liable. *New.*

Interest,
general

13.—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum.

Interest on
instalments

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate of 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him for a preceding year or for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable,

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participation
certificates

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the

tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made. R.S.O. 1950, c. 175, s. 12 (1-4).

(5) Where the income of a taxpayer, as calculated under Part I of the *Income Tax Act* (Canada) for a taxation year or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Part of the whole of the additional tax under this Part for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year as calculated under Part I of the *Income Tax Act* (Canada) from sources in that country has been,

Income of resident from foreign country in blocked currency
R.S.C. 1952, c. 148

(a) transferred to Canada;

(b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or

(c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada) in computing his taxable income under that Act for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", for the purpose of computing interest under subsection 1 or 2 on tax or a part or an instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New.*

Effect of carry-back of loss

Penalties,
delay in
making
returns

14.—(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and
- (b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

Idem

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50. R.S.O. 1950, c. 175, s. 13 (1, 2).

Failure to
complete
information

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is liable to a penalty of 1 per cent of the tax payable under this Part or of such lesser amount as the Treasurer may have fixed in respect of the specific failure. R.S.O. 1950, c. 175, s. 13 (3), *amended*.

Evasion
of tax

15.—(1) Every taxpayer who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this Part for a taxation year or any part thereof is liable to a penalty, to be fixed by the Treasurer, of not less than 25 per cent and not more than 50 per cent of the amount of the tax evaded or sought to be evaded.

Statements
or omissions
in returns

(2) Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would have been so payable is less than the tax payable by him for the year.

Limitation

(3) Where a person is liable to a penalty under subsection 2 in respect of any statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, he is not liable to any penalty under subsection 1 in respect of the same statement or omission. *New.*

16.—(1) If the return of the tax payable by a taxpayer ^{Refunds} for a taxation year has been made within four years of the end of the year, the Treasurer,

(a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year. R.S.O. 1950, c. 175, s. 14 (1), *amended*.

(2) Instead of making a refund that might otherwise be ^{Application to other taxes} made under this section, the Treasurer may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of such action. R.S.O. 1950, c. 175, s. 14 (2).

(3) Where an amount in respect of an overpayment is ^{Interest on over-payments} refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

(a) the day when the overpayment arose;

(b) the day on or before which the return for the taxation year in respect of which the tax was paid was required to be filed; or

(c) the day when the return for the taxation year was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection. R.S.O. 1950, c. 175, s. 14 (3), *amended*.

(4) Where, by a decision of the Treasurer under section 17 ^{Idem} or by a decision of the Supreme Court of Ontario under section 20, it is finally determined that the tax payable by a taxpayer for a taxation year under this Part is less than the amount assessed by the assessment under section 6 to which the objection was made or from which the appeal was taken, and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. *New*.

Interpre-
tation

(5) For the purpose of this section, "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. R.S.O. 1950, c. 175, s. 14 (4).

Effect of
carry-back
of loss
R.S.C. 1952,
c. 148

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada), in computing his taxable income under that Act for a taxation year, an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New.*

Notice of
objection

17.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 15 (1, 2), *amended.*

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. R.S.O. 1950, c. 175, s. 15 (3).

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or a notification described in subsection 4 of section 6. *New.*

DIVISION D—APPEALS TO THE SUPREME COURT OF ONTARIO

Appeal

18.—(1) Where a taxpayer has served notice of objection to an assessment under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after either,

(a) the Treasurer has confirmed the assessment or re-assessed; or

(b)

- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 17 that the Treasurer has confirmed the assessment or re-assessed. R.S.O. 1950, c. 175, s. 16, *amended*.

(2) An appeal to the Supreme Court shall be instituted by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides. R.S.O. 1950, c. 175, s. 23 (1), *amended*. ^{Appeals, how instituted}

(3) A notice of appeal shall be served upon the Treasurer by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 23 (2). ^{Notice of appeal}

(4) The taxpayer appealing shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and the reasons that he intends to submit in supporting his appeal. ^{Statement of allegations}

(5) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, paid into court in the sum of \$400 or such other sum as the Treasurer requires, and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceedings shall be instituted in respect of the same decision. ^{Security for costs}

(6) Where security has been given under subsection 5, notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment. R.S.O. 1950, c. 175, s. 32 (3-5), *amended*. ^{Idem}

19.—(1) The Treasurer shall, with all due despatch, serve on the taxpayer appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the Treasurer intends to rely on. ^{Reply to notice of appeal}

Amendment
of notice of
appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. R.S.O. 1950, c. 175, s. 33 (1, 2), *amended*.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure
to comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. R.S.O. 1950, c. 175, s. 33 (3-5).

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in sections 18 and 19 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing. R.S.O. 1950, c. 175, s. 34 (2), *amended*.

Facts not
set out may
be pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs. R.S.O. 1950, c. 175, s. 34 (3).

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

- (i) vacating the assessment,
- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment. R.S.O. 1950, c. 175, s. 34 (4), *amended*.

(4) The court may in delivering judgment disposing of an appeal order payment or refund of tax, interest, penalties or costs by the taxpayer or the Treasurer, as the case may be. Court may order payment of tax, etc. R.S.O. 1950, c. 175, s. 35, *amended*.

21. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer appealing or by the Treasurer. Proceedings in camera R.S.O. 1950, c. 175, s. 36, *amended*.

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 20, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Supreme Court practice to govern R.S.O. 1950, c. 175, s. 37, *amended*.

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. Irregularities R.S.O. 1950, c. 175, s. 18.

PART II

ADMINISTRATION AND ENFORCEMENT

24.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Comptroller may exercise all the powers and perform the duties of the Treasurer under this Act. Treasurer's duty

(2) The Treasurer may at any time extend the time for making a return under this Act. Extensions for returns

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on pro-

perty of the taxpayer or any other person or by way of guarantee from other persons. R.S.O. 1950, c. 175, s. 39 (1, 3, 4).

Regulations **25.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act; R.S.O. 1950, c. 175, s. 40, cls. (a-d).
- (e) requiring a person who is, by a regulation made under clause *d*, required to make an information return to supply a copy of the information return or a prescribed portion thereof to the person or persons in respect of the taxes payable by such person or persons to which the information return or portion thereof relates; *New*.
- (f) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Comptroller under this Act; R.S.O. 1950, c. 175, s. 40, cl. (e).
- (g) providing for the retention by way of deduction or set-off of the amount of tax payable by a taxpayer under this Act out of any amount or amounts that may be or become payable by Her Majesty in right of Ontario to him in respect of salary or wages; *New*.
- (h) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (i) defining the classes of persons who may be regarded as dependent for the purposes of this Act; R.S.O. 1950, c. 175, s. 40, cls. (g, h).

(j) defining the classes of non-resident persons who may be regarded for the purposes of this Act,

(i) as a spouse supported by a taxpayer, or

(ii) as a person dependent or wholly dependent upon a taxpayer for support,

and specifying the evidence required to establish that a person belongs to any such class; and *New.*

(k) generally to carry out the purposes and provisions of this Act. R.S.O. 1950, c. 175, s. 40, cl. (i).

26. All taxes, interest and penalties, costs and other ^{Debts to Her Majesty} amounts payable under this Act are debts due to Her Majesty for the uses of Ontario and are recoverable in any court of competent jurisdiction or in any other manner provided by this Act. R.S.O. 1950, c. 175, s. 41, *amended.*

27.—(1) Where the Treasurer has knowledge or suspects ^{Garnishment} that a person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act. R.S.O. 1950, c. 175, s. 43 (1), *amended.*

(2) The receipt of the Treasurer for moneys paid as required ^{Idem} under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1950, c. 175, s. 43 (2).

(3) Where the Treasurer has, under this section, required ^{Idem} an employer to pay to the Treasurer on account of a liability of an employee under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. R.S.O. 1950, c. 175, s. 43 (3), *amended.*

(4) Every person who has discharged any liability to a ^{Liability of debtor} taxpayer liable to make a payment under this Act without complying with a requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the

liability

liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser. R.S.O. 1950, c. 175, s. 43 (4).

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where the persons who are or are about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. *New.*

Recovery
of tax,
interest and
penalties

28.—(1) Upon default of payment by a taxpayer of any tax, interest or penalty or any of them imposed upon him by this Act,

- (a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) the Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance
of Treasurer
to be proved
by affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with this Part as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Part shall, unless evidence to the

contrary satisfactory to the court is adduced, be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department. *New.*

29. The use of any of the remedies provided by sections 27 and 28 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of any tax, interest and penalty or any of them imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. *New.*

Remedies for recovery of tax and penalty

30.—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act. R.S.O. 1950, c. 175, s. 45 (1).

Taxpayer leaving Ontario or defaulting

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, sections 27 and 28 are thereupon applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 45 (2), *amended*.

Idem

31.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Withholding taxes

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in the prescribed form.

Idem

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem

(4) Every person who deducts or withholds an amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. R.S.O. 1950, c. 175, s. 46 (1-4).

Idem

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys, and, in the event of any liquidation, assignment or bankruptcy,

Idem

such

such amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy. R.S.O. 1950, c. 175, s. 46 (5), *amended*.

Idem

(6) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem

(7) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario,

(a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum.

Idem

(8) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per cent per annum.

Idem

(9) The Treasurer may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment to that person, Division C of Part I is applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 46 (7-10).

Idem

(10) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from

amounts payable to a taxpayer are applicable to Her Majesty in right of Canada or a province. R.S.O. 1950, c. 175, s. 46 (11), *amended*.

(11) Where this Act requires an amount to be deducted or *Idem* withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

(12) The receipt of the Treasurer for an amount withheld *Idem* or deducted by a person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. R.S.O. 1950, c. 175, s. 46 (12, 13).

32.—(1) Every taxpayer carrying on business and every *Books and records* person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

(2) Where a person has failed to keep adequate records *Idem* and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required. R.S.O. 1950, c. 175, s. 47 (1, 2), *amended*.

(3) Every person required by this section to keep records *Idem* and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. R.S.O. 1950, c. 175, s. 47 (3).

33.—(1) Any person thereunto authorized by the Treasurer *Investigations* for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document

that

that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;

- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person,

- (a) any information or additional information, or a return as required by section 4 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein. R.S.O. 1950, c. 175, s. 48 (1, 2).

Idem

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any portion of the income of a taxpayer, or from any partner, agent or official or any such person, partnership, syndicate, trust or corporation, production, or production

on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. *New.*

(4) The Treasurer may, for any purpose related to the ^{Idem} administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the provincial police or other peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. R.S.O. 1950, c. 175, s. 48 (3), *amended.*

(5) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officers, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation, or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any taxpayer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. *New.* ^{Production of evidence to prove tax payable by another person}

(6) The Treasurer may, for any purpose related to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Office of the Comptroller of Revenue may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. R.S.O. 1950, c. 175, s. 48 (4, 5), *amended.*

Compliance (8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. R.S.O. 1950, c. 175 s. 48 (6), *part*.

Idem (9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do. R.S.O. 1950, c. 175, s. 48 (6), *part*.

Powers (10) For the purpose of an inquiry authorized under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1950, c. 175, s. 48 (7).

R.S.O. 1960,
c. 323

Information returns **34.** Whether or not he has filed an information return as required by a regulation made under clause *d* of subsection 1 of section 25, every person shall, on demand by registered letter from the Treasurer, file with the Treasurer, within such reasonable time as is stipulated in the registered letter, such prescribed information return as is designated in the letter. *New*.

Ownership certificates **35.—**(1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.

Idem (2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as are prescribed, and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.

Idem (3) A person who has failed to complete an ownership certificate as required by or under this Act, and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. R.S.O. 1950, c. 175, s. 49.

Penalty for failure to make returns **36.—**(1) Every person who has failed to make a return as and when required by a regulation under section 25 or by subsection 2 of section 31 is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500. R.S.O. 1950, c. 175, s. 50.

(2) Every person who fails to comply with a regulation made under clause *e* of subsection 1 of section 25 is liable to a penalty of \$10 a day for each day of default, but not exceeding in all \$2,500. *New.*

37. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. R.S.O. 1950, c. 175, s. 51.

38.—(1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

(2) Every person who has failed to comply with or has contravened subsection 1 of section 7, subsection 5 of section 31, section 32 or section 33 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

(b) both the fine prescribed in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section of failing to comply with the provisions of this Act or a regulation, he is not liable to pay a penalty imposed under section 14, section 31 or section 36 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information giving rise to the conviction was laid. R.S.O. 1950, c. 175, s. 52.

39.—(1) Every person who has,

False
statements

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, filed or made as required by or under this Act or a regulation;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;

(c)

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine prescribed in clause *f* and imprisonment for a term of not more than two years. R.S.O. 1950, c. 175, s. 53 (1).

Idem

(2) Every person who is charged with an offence described in subsection 1 may, at the election of the Attorney General, be prosecuted upon indictment and, if convicted, is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not less than two months and not more than five years. R.S.O. 1950, c. 175, s. 53 (2), *amended*.

Penalty
upon
conviction

(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade payment of taxes imposed by this Act, he is not liable to pay a penalty imposed under subsection 1 of section 15 for the same evasion or attempt unless he was assessed for that penalty before the information giving rise to the conviction was laid. *New*.

Communica-
tion of
information

40. Every person who, while employed in the service of Her Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and is liable on summary conviction to a fine of not more than \$200. R.S.O. 1950, c. 175, s. 54, *amended*.

41. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. R.S.O. 1950, c. 175, s. 55. ^{Officers, etc., of corporations}

42. Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. R.S.O. 1950, c. 175, s. 56. ^{No decrease in punishment}

43.—(1) An information under this Act may be laid by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or for Her Majesty. ^{Information}

(2) An information in respect of an offence under this Act may be for one or more than one offence and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Two or more offences}

(3) An information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information did not arise within his jurisdiction. ^{Jurisdiction}

(4) An information under the *Criminal Code* (Canada) in respect of an offence under this Act may be laid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof. ^{Limitation of prosecution 1953-54, c. 51 (Can.)}

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records, ^{Proof of service by mail}

that

that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of
failure
to comply

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of
time of
compliance

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

Proof of
documents

(8) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of
no appeal

(9) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after a careful examination and search of the records, he has been unable to find that a notice of objection

or of appeal from the assessment was received within the time allowed therefor shall be received as *prima facie* evidence of the statements contained therein.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making it is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn. ^{Presumption}

(11) Judicial notice shall be taken of all orders and regulations made under this Act without being specially pleaded or proven. R.S.O. 1950, c. 175, s. 57 (1-11). ^{Judicial notice}

(12) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, the Comptroller, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, the Comptroller or the officer unless it has been called in question by the Treasurer or by some person acting for him or for Her Majesty. ^{Proof of documents}

(13) For the purposes of this Act, the day of mailing of a notice of assessment or notification described in subsection 4 of section 6 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or for Her Majesty. ^{Mailing date}

(14) Where a notice of an assessment has been sent by the Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of the mailing of the notice of assessment. ^{Date when assessment made}

(15) Every form purporting to be a form prescribed or authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or some person acting for him or for Her Majesty. ^{Forms prescribed or authorized}

(16) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or ^{Proof of return}

on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf. *New.*

PART III

Interpre-
tation

44.—(1) In this Act,

1. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing; R.S.O. 1950, c. 175, s. 58 (1), cl. (a).
2. "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise; *New.*
3. "assessment" includes a re-assessment; R.S.O. 1950, c. 175, s. 58 (1), cl. (b).
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade, but does not include an office or employment;
5. "child qualified for family allowance" means a child who, in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under the *Family Allowances Act* (Canada) so that an allowance under the said Act was or might have been payable in respect of that child for the immediately following month;
6. "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium or a defined rate of dividend; *New.*
7. "Comptroller" means the Comptroller of Revenue for Ontario;
8. "corporation" includes incorporated companies; R.S.O. 1950, c. 175, s. 58 (1), cls. (c, d).
9. "country other than Canada" includes any of Her Majesty's self-governing dominions or dependencies;

R.S.C. 1952,
c. 109

10. "death benefit" for a taxation year means the amount or amounts received in the year by any person upon or after the death of an employee in recognition of his service in an office or employment, minus,

(a) where the amount or amounts were received by his widow, the lesser of,

(i) the amount or amounts so received, or

(ii) an amount equal to the salary, wages or other remuneration of the employee for the last year in that office or employment for which he received any such remuneration or \$10,000, whichever is the lesser, minus amounts deductible in computing for previous years the death benefits received in respect of his service in that office or employment; or

(b) where the employee died without leaving a widow or where no amount is deductible in computing for any year the death benefits received by his widow in respect of his service in that or any other office or employment, the lesser of,

(i) the amount or amounts so received, or

(ii) that proportion of any amount determined as provided in subclause ii of clause *a* that the amount or amounts so received are of the aggregate of all amounts received in the year, by each of the persons who received any such amount or amounts, upon or after the death of the employee in recognition of his service in that office or employment,

except that, where any death benefits were received in the year in respect of the services of an employee in more than one office or employment,

(c) this definition shall be read as requiring a separate determination of the death benefits received in respect of his service in each particular office or employment; and

(d)

- (d) there shall be substituted for the amount determined under subclause ii of clause *a* or subclause ii of clause *b*, as the case may be, in respect of each particular office or employment, an amount equal to that proportion of the amount otherwise determined thereunder that the salary, wages and other remuneration of the employee for the last year in that particular office or employment for which he received any such remuneration is of the aggregate of his said remuneration for the last years in each of the said offices or employments from which he received any such remuneration;
11. "dividend" does not include a stock dividend; *New*.
 12. "employed" means performing the duties of an office or employment; R.S.O. 1950, c. 175, s. 58 (1), cl. (e).
 13. "employee" includes officer;
 14. "employer", in relation to an officer, means the person from whom the officer receives his remuneration; *New*.
 15. "employment" means the position of an individual in the service of some other person, including Her Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
 16. "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property; R.S.O. 1950, c. 175, s. 58 (1), cls. (f, g).
 17. "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision of Part I of the *Income Tax Act* (Canada), not included in computing his income under that Act, and includes amounts that are deductible under section 28 of that Act or that would be so deductible if it were not for subsection 2 of section 28 of that Act;
 18. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit

growing and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming;

19. "fishing" includes fishing for or catching shell fish, crustaceans and marine animals, but does not include an office or employment under a person engaged in the business of fishing; *New*.
20. "fiscal period" means the period for which the accounts of the business of the taxpayer have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer, but no fiscal period may exceed a period of twelve months and no change in a usual and accepted fiscal period may be made for the purposes of this Act without the concurrence of the Treasurer; R.S.O. 1950, c. 175, s. 58 (1), cl. (h).
21. "gross revenue" means the aggregate of all amounts received in a taxation year or receivable in the year, depending on the method regularly followed by the taxpayer in computing his profit, otherwise than as or on account of capital; *New*.
22. "individual" means a person other than a corporation; R.S.O. 1950, c. 175, s. 58 (1), cl. (i).
23. "inventory" means a description of property the cost or value of which is relevant in computing the income of a taxpayer under the *Income Tax Act* (Canada) from a business for a taxation year; R.S.O. 1950, c. 175, s. 58 (1), cl. (j), *amended*. R.S.C. 1952,
c. 148
24. "loss" means a loss computed by applying the provisions of the *Income Tax Act* (Canada) respecting computation of income from a business *mutatis mutandis*, but not including in the computation a dividend or part of a dividend the amount of which would be deductible under section 28 of the *Income Tax Act* (Canada) in computing taxable income, minus any amount by which a loss operated to reduce the income of the taxpayer from other sources in calculating the tax payable under the *Income Tax Act* (Canada) for the year in which it was sustained; *New*.
25. "Minister" means the Minister of National Revenue for Canada;

26. "non-resident" means not resident in Ontario;
27. "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, a senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office; R.S.O. 1950, c. 175, s. 58 (1), cls. (*k-m*).
28. "personal corporation" means a corporation defined by section 68 of the *Income Tax Act* (Canada) to be a personal corporation;
29. "personal or living expenses" includes,
- (a) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption and not maintained in connection with a business carried on for profit or with a reasonable expectation of profit;
 - (b) the expenses, premiums or other costs of a policy of insurance, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with him by blood relationship, marriage or adoption; and
 - (c) expenses of properties maintained by a personal corporation, estate or trust for the benefit of the taxpayer as one of its shareholders or beneficiaries; *New*.
30. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer and, in any other case, means prescribed by regulation;
31. "property" means property of any kind whatsoever, whether real or personal or corporeal or incorporeal, and, without restricting the generality of the fore-

going, includes a right of any kind whatsoever, a share and a chose in action; R.S.O. 1950, c. 175, s. 58 (1), cls. (*n*, *o*).

32. "province" means a province of Canada;
33. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted by the Treasurer for registration for the purposes of this Act in respect of its constitution and operations for the taxation year under consideration;
34. "registered retirement savings plan" means a retirement savings plan accepted by the Treasurer for registration for the purposes of this Act as complying with the requirements of section 79B of the *Income Tax Act* (Canada); *New*. R.S.C. 1952, c. 148
35. "regulation" means a regulation made by the Lieutenant Governor in Council under this Act; R.S.O. 1950, c. 175, s. 58 (1), cl. (*p*).
36. "retiring allowance" means an amount received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment, other than a superannuation or pension benefit, whether the recipient is the officer or employee or a dependant, relation or legal representative;
37. "salary or wages", except in section 5 of the *Income Tax Act* (Canada) and paragraph 10 of this subsection, means the income of a taxpayer from an office or employment as computed under section 5 of the *Income Tax Act* (Canada), and includes all fees received for services not rendered in the course of the business of the taxpayer, but does not include superannuation or pension benefits or retiring allowances;
38. "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence in which place a person as a general rule sleeps and eats;
39. "separation agreement" includes an agreement by which a person agrees to make payments on a periodic basis for the maintenance of a former spouse, children of the marriage, or both the former spouse and the children of the marriage, after the marriage

has been dissolved by Parliament, whether the agreement was made before or after the marriage was dissolved;

40. "share" means a share of capital stock of a corporation;
41. "shareholder" includes a member or other person entitled to receive payment of a dividend;
42. "shareholder's portion of undistributed income of a corporation" has the meaning given to that expression by section 82 of the *Income Tax Act* (Canada);
43. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan; *New*.
44. "taxpayer" includes any individual mentioned in Part I of this Act, whether or not he is liable to pay tax;
45. "Treasurer" means the Treasurer of Ontario;
46. "trust" means the trustee or executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
47. "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or reassessment, subject to variation on objection or appeal, if any, in accordance with the provisions of that Part. R.S.O. 1950, c. 175, s. 58 (1), cls. (q-t).

R.S.C. 1952,
c. 148

Taxation
year

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended
meaning of
resident

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is, 183 days or more;
- (b) he was, at any time in the year, a member of the naval, army or air forces of Canada, if before his enlistment he was ordinarily resident in Ontario; or

(c)

(c) he was, at any time in the year,

(i) an ambassador, minister, high commissioner, officer or servant of Canada, or

(ii) an agent-general, officer or servant of Ontario,

and he was a resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representational allowances in respect of the year.

(4) In this Act, a reference to a person resident in Ontario ^{Ordinarily resident} includes a person who was at the relevant time ordinarily resident in Ontario. R.S.O. 1950, c. 175, s. 58 (2-4).

(5) For the purposes of this Act,

Arm's
length

(a) related persons shall be deemed not to deal with each other at arm's length; and

(b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

(6) For the purposes of this subsection and subsections 5 ^{Relationship defined} and 8, "related persons", or persons related to each other, are,

(a) individuals connected by blood relationship, marriage or adoption;

(b) a corporation and,

(i) a person who controls the corporation, if it is controlled by one person,

(ii) a person who is a member of a related group that controls the corporation, or

(iii) any person related to a person described by subclause i or ii;

(c) any two corporations,

(i) if they are controlled by the same person or group of persons,

(ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,

(iii)

- (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
- (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
- (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
- (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

Corporations
related to
each other

(7) Where two corporations are related to the same corporation within the meaning of subsection 6, they shall, for the purpose of subsection 5 or 6, be deemed to be related to each other.

Interpre-
tation

(8) In this subsection and in subsections 6 and 9,

- (a) “related group” means a group of persons each member of which is related to every other member of the group; and
- (b) “unrelated group” means a group of persons that is not a related group.

Control by
related
group,
options, etc.

(9) For the purpose of subsection 6,

- (a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled; and
- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares.

(10) For the purpose of clause *a* of subsection 6,

Persons
related by
blood rela-
tionship, etc.

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, otherwise than as a brother or sister, to the other.

(11) Where, in a taxation year, a non-resident person,

Extended
meaning of
carrying on
business

- (a) produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed, in whole or in part, anything in Ontario whether or not he exported that thing without selling it prior to exportation; or
- (b) solicited orders or offered anything for sale in Ontario through an agent or servant whether the contract or transaction was to be completed inside or outside Ontario or partly in and partly outside Ontario,

he shall be deemed, for the purposes of this Act, to have been carrying on business in Ontario in the year.

(12) In this Act, words referring to a child of a taxpayer include,

Extended
meaning of
child

- (a) an illegitimate child of the taxpayer;
- (b) a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before such person attained the age of twenty-one years did have, in law or in fact, the custody and control; and
- (c) a daughter-in-law or a son-in-law of the taxpayer.

(13) In this Act, words referring to a parent of a taxpayer include a person whose child the taxpayer is, in the taxation year in respect of which the expression is being employed,

Parent

within

within the meaning of subsection 12 or whose child the taxpayer had previously been within the meaning of clause *b* of subsection 12, and,

- (a) "grandparent" includes grandmother-in-law and grandfather-in-law;
- (b) "parent" includes mother-in-law and father-in-law;
- (c) "brother" includes a brother-in-law; and
- (d) "sister" includes a sister-in-law.

Contract
under
pension plan

(14) For greater certainty, it is hereby declared that, where a document has been issued or a contract entered into, either before or after the coming into force of this subsection, purporting to create, to establish, to extinguish or to be in substitution for, the right of a taxpayer to an amount or amounts, immediately or in the future, out of or under a superannuation or pension fund or plan,

- (a) if the rights provided for in the document or contract are rights provided for by the superannuation or pension plan or are rights to a payment or payments out of the superannuation or pension fund, any payment under the document or contract is a payment out of or under the superannuation or pension fund or plan and the taxpayer shall be deemed not to have received, by the issuance of the document or entering into the contract, an amount out of or under the superannuation or pension fund or plan; and
- (b) if the rights created or established by the document or contract are not rights provided for by the superannuation or pension plan or a right to payments out of the superannuation or pension fund, an amount equal to the value of the rights created or established by the document or contract shall be deemed to have been received by the taxpayer out of or under the superannuation or pension fund or plan when the document was issued or the contract was entered into. *New.*

Interpre-
tation

R.S.C. 1952,
c. 148

(15) "Tax payable under the *Income Tax Act* (Canada)" and "tax payable under section 32 of the *Income Tax Act* (Canada)" and "tax otherwise payable under Part I of the *Income Tax Act* (Canada)" mean the tax otherwise payable under the *Income Tax Act* (Canada) in respect of which the expression is being applied, and the amount of such tax shall be determined,

- (a) before making any deduction in respect of taxes payable to the government of a country other than

Canada under section 41 of the *Income Tax Act* <sup>R.S.C. 1952,
c. 148</sup> (Canada);

- (b) before making any deduction in respect of taxes payable to a province under section 33 of the *Income Tax Act* (Canada);
- (c) in the case of a taxpayer by whom an election under section 43 of the *Income Tax Act* (Canada) has been made, to include the aggregate of the taxes calculated to be payable pursuant to clauses *a* and *b* of subsection 1 of the said section 43 before deduction therefrom of any amount in respect of taxes payable to a province for any year under section 33 of the *Income Tax Act* (Canada);
- (d) after making any deduction in respect of dividends under section 38 of the *Income Tax Act* (Canada); and
- (e) before including the Old Age Security tax imposed by subsection 3 of section 10 of the *Old Age Security Act* (Canada). <sup>R.S.C. 1952,
c. 200</sup> R.S.O. 1950, c. 175, s. 58 (5), *amended*.

PART IV

MISCELLANEOUS

45. The following are repealed:

Repeal:

- 1. *The Income Tax Suspension Act, 1947.* 1947, c. 48
- 2. *The Income Tax Suspension Act, 1948.* 1948, c. 45
- 3. *The Income Tax Suspension Act, 1949.* 1949, c. 43
- 4. *The Income Tax Act.* R.S.O. 1950,
c. 175
- 5. *The Income Tax Suspension Act, 1951.* 1951, c. 38
- 6. *The Income Tax Suspension Act, 1952.* 1952, c. 40
- 7. *The Corporations and Income Taxes Suspension Act, 1952.* <sup>1952 (2nd
Sess.), c. 1</sup>
- 8. *The Corporations and Income Taxes Suspension Amendment Act, 1953.* 1953, c. 20

46. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

47. This Act may be cited as *The Income Tax Act, 1960-61.* ^{Short title}

CHAPTER 40

**An Act to authorize an
Income Tax Agency Agreement**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario, representing Her Majesty the Queen in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing Her Majesty the Queen in right of Canada, under which, upon such terms as are agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead or on behalf of, or as agent for, the Treasurer and the Comptroller of Revenue for Ontario such of the powers and duties conferred or imposed upon the Treasurer and Comptroller under *The Income Tax Act, 1960-61* (Ontario) as are specified in the agreement. Agency agreement authorized 1960-61, c.39

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay any expenses that are incurred in carrying out the terms of the agreement authorized by subsection 1. Expenses

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Agency Agreement Act, 1960-61*. Short title

CHAPTER 41

An Act to amend The Judicature Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99 of *The Judicature Act* is repealed.

R.S.O. 1960,
c. 197, s. 99,
repealed
2. Subsection 2 of section 105 of *The Judicature Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 197, s. 105,
subs. 2,
re-enacted
- (2) The Official Guardian shall be the guardian *ad litem* or next friend of infants and other persons in accordance with any Act or the rules or an order of a court or judge.

Duties
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Judicature Amendment Act, 1960-61*.

Short title

CHAPTER 42

An Act to amend The Juvenile and Family Courts Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 4 of *The Juvenile and Family Courts Act* is repealed. R.S.O. 1960,
c. 201, s. 4,
subs. 3,
repealed

2. Section 5 of *The Juvenile and Family Courts Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 201, s. 5,
amended

(2) Every judge and deputy judge of a juvenile and family court, whether sitting in his own court or in any other juvenile and family court, may hear and determine any juvenile and family court matter whether the matter arose and was pending in the court in which he is sitting or in any other juvenile and family court. Idem

3. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 201,
amended

5a. Every judge and deputy judge of a juvenile and family court is *ex officio* a magistrate in and for the Province of Ontario. Judges
ex officio
magistrates

4. Every officer and member of the staff of a juvenile and family court heretofore appointed shall be deemed to have been appointed in accordance with *The Juvenile and Family Courts Act*. Appointment
of present
court
officers
and staffs
validated

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1960-61*. Short title

CHAPTER 43

**An Act to amend
The Lakes and Rivers Improvement Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Lakes and Rivers Improvement Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 203,
amended

7a. Any person heretofore or hereafter giving any approval or making any recommendation for approval authorized or required under this Act is not liable for any injury, including death, loss or other damage caused by or resulting from the giving of such approval or the making of such recommendation or the doing of or the failure to do any act in connection therewith. No
liability re
approvals,
etc.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1960-61*. Short title

CHAPTER 44

An Act to amend The Law Society Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 207,
amended

48a. If the treasurer, secretary or deputy secretary of the Society or the chairman or the vice-chairman of the Discipline Committee has reasonable cause to believe that a member of the Society has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may upon an *ex parte* application by the Society order that no such property as is named in the order shall be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court. Stop orders,
on members',
bank
accounts,
etc.

2. This Act comes into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Law Society Amendment Act, 1960-61*. Short title

CHAPTER 45

**An Act to amend
The Legislative Assembly Act**

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1. Section 9 of *The Legislative Assembly Act*, being chapter 202 of the Revised Statutes of Ontario, 1950, is amended by adding at the commencement thereof "Except as authorized by resolution of the Assembly", so that the section shall read as follows:

9. Except as authorized by resolution of the Assembly, no person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, any contract or agreement with His Majesty, or with any public officer or department, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service, work, matter or thing, shall be eligible as a member of or sit or vote in the Assembly.

2. Subsection 1 of section 10 of *The Legislative Assembly Act*, being chapter 202 of the Revised Statutes of Ontario, 1950, as amended by section 1 of *The Legislative Assembly Amendment Act, 1957*, is further amended by adding thereto the following clauses:

- (m) by reason of his being entitled to or in receipt of any money under *The Legislative Assembly Retirement Allowances Act, 1960*, *The Public Service Act, The Public Service Superannuation Act, 1960* or *The Teachers' Superannuation Act* or under any other Act of the Legislature or the Parliament of Canada

that

that provides a pension, annuity, allowance or other similar payment that is made up in whole or in part of public money;

- (n) by reason of his being entitled to receive on terms common to all persons similarly entitled and of his receiving or agreeing to receive in accordance with such entitlement any service or commodity or any refund, rebate, subsidy, loan or any other such benefit or payment that is authorized under any Act.

PART II

R.S.O. 1960,
c. 208, s. 9,
amended

3. Section 9 of *The Legislative Assembly Act*, being chapter 208 of the Revised Statutes of Ontario, 1960, is amended by adding at the commencement thereof "Except as authorized by resolution of the Assembly", so that the section shall read as follows:

Disqualifi-
cation of
public
contractors

9. Except as authorized by resolution of the Assembly, no person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, any contract or agreement with Her Majesty, or with any public officer or department, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service, work, matter or thing, is eligible as a member of the Assembly or shall sit or vote therein.

R.S.O. 1960,
c. 208, s. 10,
subs. 1,
amended

4. Subsection 1 of section 10 of *The Legislative Assembly Act*, being chapter 208 of the Revised Statutes of Ontario, 1960, is amended by adding thereto the following clauses:

R.S.O. 1960,
cc. 209, 331,
332, 392

- (m) by reason of his being entitled to or in receipt of any money under *The Legislative Assembly Retirement Allowances Act*, *The Public Service Act*, *The Public Service Superannuation Act* or *The Teachers' Superannuation Act* or under any other Act of the Legislature or the Parliament of Canada that provides a pension, annuity, allowance or other similar payment that is made up in whole or in part of public money;
- (n) by reason of his being entitled to receive on terms common to all persons similarly entitled and of his receiving or agreeing to receive in accordance with such entitlement any service or commodity or any refund, rebate, subsidy, loan or any other such benefit or payment that is authorized under any Act.

PART III

5. Section 2 or 4, as the case may be, applies to every member of the Assembly heretofore or hereafter elected in respect of any act heretofore or hereafter committed. Application of ss. 2, 4

6.—(1) Part I comes into force on the day this Act receives Royal Assent and is repealed on the day the Revised Statutes of Ontario, 1960 come into force. Part I, commencement and repeal

(2) Part II comes into force on the day the Revised Statutes of Ontario, 1960 come into force. Part II, commencement

(3) Part III comes into force on the day this Act receives Royal Assent. Part III, commencement

7. This Act may be cited as *The Legislative Assembly Amendment Act, 1960-61*. Short title

CHAPTER 46

An Act to amend The Lightning Rods Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Lightning Rods Act* is amended by adding at the end thereof “and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be served upon the licensee”, so that the section shall read as follows:

R.S.O. 1960,
c. 213, s. 5,
amended

5. The Fire Marshal may, after a hearing, suspend or revoke a licence for non-compliance with this Act or the regulations and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be served upon the licensee.

Suspension
and
revocation
of licences

2. This Act comes into force on the 1st day of January, 1961.

Commence-
ment

3. This Act may be cited as *The Lightning Rods Amendment Act, 1960-61*.

Short title

CHAPTER 47

An Act to amend The Liquor Control Act

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 106 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 217, s. 106,
subs. 7,
re-enacted

(7) Every person who contravenes subsection 2 of section 80 is guilty of an offence and,

Penalty for
being drunk
in public
place

(a) is liable to a fine of not more than \$50; or

(b) where he has contravened such subsection at least twice during the twelve months preceding the date of the commission of the offence thereunder with which he is charged, he may by order be detained for a term of thirty days in an institution for the reclamation of alcoholics that is designated for the purpose by the Lieutenant Governor in Council; or

(c) where he consents thereto, he may by order be detained for a term of ninety days in an institution mentioned in clause *b*, but the superintendent of the institution may release him at any time during such term if the superintendent is of the opinion that further detention will not benefit him.

(8) The Lieutenant Governor in Council may designate one or more institutions for the reclamation of alcoholics detained therein under subsection 7 and may make regulations respecting the transfer, admission and detention of persons to or in such institutions and providing for the government and operation of such institutions.

Institutions
for reclama-
tion of
alcoholics

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Liquor Control Amendment Act, 1960-61*.

CHAPTER 48

An Act to amend The Loan and Trust Corporations Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 104 of *The Loan and Trust Corporations Act* is amended by striking out "or to an agreement for the amalgamation of two or more corporations" in the second, third and fourth lines and by striking out "or the several corporations amalgamated, as the case may be, are" in the fourth and fifth lines and inserting in lieu thereof "is", so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 104,
subs. 5,
amended

- (5) Where the Lieutenant Governor in Council assents to an agreement for the sale of the assets of a corporation, the selling corporation is, from the date of the assent, dissolved, except so far as is necessary to give full effect to the agreement.

Dissolution
of selling
corporation

2.—(1) Subsection 1 of section 105 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 105,
subs. 1,
re-enacted

- (1) In the case of an amalgamation, the parties thereto are, from the date of the assent of the Lieutenant Governor in Council, consolidated and amalgamated and they shall continue thereafter as one corporation under the jurisdiction specified in the amalgamation agreement and by the name stated in the Minister's certificate.

Amalgama-
tion

(2) The said section 105 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 222, s. 105,
amended

- (5) Where the amalgamated company is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated

company

company a charter, as at the date of the assent, confirming the amalgamation agreement.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. k,
amended

3. Clause *k* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is amended by inserting after "corporation" in the second line "or with any insurance company incorporated in Canada" and by striking out "one-half of" in the third line of subclause iii, so that the clause shall read as follows:

real estate
for produc-
tion of
income

(*k*) real estate in Canada for the production of income, either alone or jointly with any other corporation or with any insurance company incorporated in Canada,

(i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,

(ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) if the total investment of the corporation in any one parcel of real estate does not exceed 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

4.—(1) Subsection 1 of section 139 of *The Loan and Trust Corporations Act* is amended by inserting after “137” in the fourth line “and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 139,
subs. 1,
amended

- (1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 137 and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada, provided that at all times at least 50 per cent of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 82 or as deposits in the manner authorized by subsection 1 of section 80 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*.

Investments
by trust
companies

R.S.O. 1960,
c. 408

(2) Subsection 2 of the said section 139 is amended by striking out “one-half of” in the ninth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 139,
subs. 2,
amended

- (2) The total book value of the investments of a registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company’s unimpaired paid-up capital and reserve; provided that the amount invested in any one parcel of such real estate by a company shall not exceed 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Restrictions
on amount of
investments
in real estate
for
production
of income

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1960-61*.

Short title

CHAPTER 49

An Act to amend The Local Improvement Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 20 of *The Local Improvement Act* is amended by adding at the end thereof "or such part thereof as the council may determine", so that the subsection shall read as follows: R.S.O. 1960,
c. 223, s. 20,
subs. 4,
amended

- (4) Where the work is the constructing, enlarging or extending of a sewer or watermain, including a sewer or watermain on each side or one side only of a street, the council may make a reduction in the special assessment of corner lots that would otherwise be chargeable thereon by deducting from the total frontage of a corner lot liable to special assessment the number of feet abutting on the work on the side of the lot or such part thereof as the council may determine. Construction
of sewer or
watermain

2. Subsection 1 of section 28 of *The Local Improvement Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 223, s. 28,
subs. 1,
re-enacted

- (1) A reduction in the case of corner lots at the junction or intersection of streets and a reduction or increase in the case of triangular or irregularly-shaped lots shall be made in the special assessment, that otherwise would be chargeable thereon, sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis. Special
assessment
of corner
and
irregularly-
shaped lots

3. Section 56 of *The Local Improvement Act* is amended by striking out "but not later than during the year next following the year in which such work is completed" in the fourth, fifth and sixth lines, so that the section shall read as follows: R.S.O. 1960,
c. 223, s. 56,
amended

Time
special or
general rate
may be
levied

56. Any special or general rate imposed by a by-law providing for the issue of debentures to pay for the cost or part of the cost of a work undertaken under this Act may be levied by the council as soon as the by-law is passed and no such rate heretofore or hereafter levied shall be held to be illegal by reason of the debentures in respect of which the rate is levied, or any of same, not having been issued at the time of levying the rate.

R.S.O. 1960,
c. 223, s. 67,
subs. 1,
re-enacted

4. Subsection 1 of section 67 of *The Local Improvement Act* is repealed and the following substituted therefor:

Assessment
of cost of
works in
areas

(1) The council of a municipality may, in the by-law for undertaking any work as a local improvement, define an area in the municipality and provide that the cost of the work including debenture charges and the cost of maintenance and management of the work including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Local Improvement Amendment Act, 1960-61*.

CHAPTER 50

The Lord's Day (Ontario) Act, 1960-61

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Where a by-law passed under this section is in force and subject to its provisions, it is lawful in the municipality or in such part or parts thereof as are specified in the by-law for any person, after 1.30 o'clock in the afternoon of the Lord's Day or during such period or periods of time after 1.30 o'clock in the afternoon of the Lord's Day as are specified in the by-law, to provide, engage in or be present at any public game or sport that is specified in the by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such public game or sport which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). R.S.C. 1952, c. 171 ^{Sunday sports may be made lawful}
c. 225, s. 1, *amended*.

(2) Subject to subsection 5, the council of any city, town, village or township may pass a by-law, ^{Implementing by-law authorized}

- (a) providing that subsection 1 applies in the municipality or specifying a part or parts of the municipality in which subsection 1 applies;
- (b) providing that subsection 1 applies after 1.30 o'clock in the afternoon of the Lord's Day or specifying the period or periods of time after 1.30 o'clock in the afternoon of the Lord's Day during which subsection 1 applies; and
- (c) specifying the public games and sports to which subsection 1 applies.

(3) Any provision of a by-law under this section may differ in different parts of the municipality and in respect to different public games and sports. ^{Variation in by-law authorized}

Horse-
racing

(4) A by-law under this section shall not specify horse-racing as a public game or sport. R.S.O. 1960, c. 225, s. 2 (1-4), *amended*.

Vote before
passing of
by-law

(5) No by-law under this section shall be passed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question:

Are you in favour of public games and sports for gain after 1.30 o'clock in the afternoon of the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1960-61*?

R.S.O. 1960, c. 225, s. 3 (1), *amended*.

Vote before
repeal of
by-law

(6) No by-law passed under this section shall be repealed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question:

Are you in favour of the repeal of the by-law passed under the authority of *The Lord's Day (Ontario) Act, 1960-61* that regulates public games and sports for gain after 1.30 o'clock in the afternoon of the Lord's Day?

R.S.O. 1960, c. 225, s. 4 (1), *amended*.

"Electors",
defined
R.S.O. 1960,
cc. 249, 254

(7) The expression "electors" in this section means electors as defined in *The Municipal Act* and, in a municipality that has a resident voters' list under *The Municipal Franchise Extension Act*, it includes the persons on such list. *New*.

Sunday
movies, etc.,
may be
made lawful

2.—(1) Where a by-law passed under this section is in force and subject to its provisions, it is lawful in the municipality or in such part or parts thereof as are specified in the by-law for any person, after 1.30 o'clock in the afternoon of the Lord's Day or during such period or periods of time after 1.30 o'clock in the afternoon of the Lord's Day as are specified in the by-law, to provide, engage in or be present at any exhibition of moving pictures or any theatrical performance, any concert or any lecture or such of them as are specified in the by-law and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such exhibition of moving pictures, theatrical performance, concert or lecture, as the case may be, which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada).

R.S.C. 1952,
c. 171

(2) Subject to subsection 4, the council of any city, town, village or township may pass a by-law, ^{Implementing by-law authorized}

- (a) providing that subsection 1 applies in the municipality or specifying a part or parts of the municipality in which subsection 1 applies;
- (b) providing that subsection 1 applies after 1.30 o'clock in the afternoon of the Lord's Day or specifying the period or periods of time after 1.30 o'clock in the afternoon of the Lord's Day during which subsection 1 applies; and
- (c) specifying that subsection 1 applies to the exhibition of moving pictures, theatrical performances, concerts and lectures or any one or more of them.

(3) Any provision of a by-law under this section may differ in different parts of the municipality and in respect of the exhibition of moving pictures, theatrical performances, concerts or lectures. ^{Variation in by-law authorized}

(4) No by-law under this section shall be passed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question: ^{Vote before passing of by-law}

Are you in favour of moving pictures, theatrical performances, concerts and lectures (*or as the case may be*) after 1.30 o'clock in the afternoon of the Lord's Day to be regulated by municipal by-law under the authority of *The Lord's Day (Ontario) Act, 1960-61*?

(5) The question set out in subsection 4 may be varied by deleting therefrom any one or more of the expressions "moving pictures", "theatrical performances", "concerts" or "lectures" as the council by resolution determines. ^{Variation of question}

(6) No by-law under this section shall be repealed until the following question has been submitted to and has received the affirmative vote of a majority of the electors who vote on the question: ^{Vote before repeal of by-law}

Are you in favour of the repeal of the municipal by-law passed under the authority of *The Lord's Day (Ontario) Act, 1960-61* that regulates moving pictures, theatrical performances, concerts and lectures (*or as the case may be*) after 1.30 o'clock in the afternoon of the Lord's Day?

"Electors",
defined

(7) The expression "electors" in this section has the same meaning as it has in section 1.

"Concert",
defined

(8) The expression "concert" in this section does not include a concert of an artistic and cultural nature that is governed by section 5. *New.*

When
question
may be
submitted

3.—(1) The council may submit any question set out in this Act to the electors at any time.

Petition

(2) Upon the presentation of a petition requesting that a question under this Act be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following. R.S.O. 1960, c. 225, s. 4 (2, 3), *amended.*

Idem

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is conclusive for all purposes. R.S.O. 1960, c. 225, s. 5.

Regulation
and control

4. Every by-law under this Act shall provide for the regulation and control of the activities specified therein, and may provide for the regulation and control of any matter or thing in connection therewith. R.S.O. 1960, c. 225, s. 2 (6), *amended.*

Sunday
musical
concerts
lawful

5. It is lawful for any person after 1.30 o'clock in the afternoon of the Lord's Day to provide, engage in or be present at any concert, recital or other musical performance of an artistic and cultural nature produced by a non-profit organization at which an admission fee is charged and which but for this Act would be unlawful under section 6 of the *Lord's Day Act* (Canada), or to do or engage any other person to do any work, business or labour in connection with any such concert, recital or other musical performance which but for this Act would be unlawful under section 4 of the *Lord's Day Act* (Canada). R.S.O. 1960, c. 225, s. 6, *amended.*

R.S.C. 1952,
c. 171

When
daylight
saving time
in effect

6. If and so long as the time commonly observed in a municipality in which a by-law under this Act is in force or in which a concert, recital or other musical performance is produced under section 5 is one hour in advance of standard time, the times mentioned in this Act or in a by-law under this Act shall be reckoned in accordance with the time so commonly observed and not standard time. R.S.O. 1960, c. 225, s. 7, *amended.*

7. This Act is subject to *The Theatres Act*. *New.*

R.S.O. 1960,
c. 396,
not affected

8.—(1) Any vote taken or deemed to have been taken under the authority of a predecessor of this Act shall be deemed to have been taken under the authority of this Act.

Sunday
sports votes
heretofore
taken

(2) Any by-law passed under the authority of a predecessor of this Act shall be deemed to have been passed under the authority of this Act. *New.*

Sunday
sports
by-laws
heretofore
passed

9. The council of any city, town, village or township that has submitted, since the 1st day of November, 1960, a question to the electors as defined in *The Municipal Act* in substantially the same terms as the question set out in subsection 4 of section 2, whether or not the question contained a reference to lectures or to time, shall be deemed to have complied with such provision. *New.*

Sunday
movies
votes
heretofore
taken
R.S.O. 1960
c. 249

10. *The Lord's Day (Ontario) Act* is repealed.

R.S.O. 1960,
c. 225,
repealed

11. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

12. This Act may be cited as *The Lord's Day (Ontario) Act*, Short title 1960-61.

CHAPTER 51

An Act to amend The Magistrates Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 11 of *The Magistrates Act* is repealed. R.S.O. 1960,
c. 226, s. 11,
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** This Act may be cited as *The Magistrates Amendment Act, 1960-61*. Short title

CHAPTER 52

An Act to amend The Marriage Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Marriage Act* is amended by R.S.O. 1960, inserting after “magistrate” where it occurs the second time c. 228, s. 1, in the first line “or a deputy magistrate”, so that the clause cl. *f*, amended shall read as follows:

(*f*) “magistrate” means a magistrate or a deputy magistrate appointed under *The Magistrates Act*. R.S.O. 1960, c. 226

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Marriage Amendment Act*, Short title
1960-61.

CHAPTER 53

An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The Massey Foundation and The Governors of the University of Toronto, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the parties are hereby authorized to carry out the terms thereof.

Agreement
authorized
and
confirmed

2. William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., The Right Honourable Vincent Massey, C.H., P.C., M.A. (Oxon.), LL.D., Litt.D., D.C.L., Claude Thomas Bissell, M.A., Ph.D., D.Litt., LL.D., F.R.S.C., Andrew Robertson Gordon, O.B.E., M.A., Ph.D., F.R.S.C., and Raymond Hart Massey, LL.D., Litt.D., D.Hum., D.F.A., and such other persons as may hereafter become Master and Fellows of Massey College, are hereby created a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", hereinafter called the Corporation.

The Master
and Fellows
of Massey
College
incorporated

3.—(1) There shall be a head of the Corporation who shall be known as "the Master".

Master

(2) The first Master is William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., and his successors in that office shall be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by the University of Toronto.

First
Master

4. The President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto are *ex officio* Fellows.

Fellows,
ex officio

Objects of
Corporation

5. The objects and purposes of the Corporation are the advancement of learning and,

- (a) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of the Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto; and
- (b) to complement the functions of the University of Toronto by providing amenities and facilities for a community of scholars, both residential and non-residential,

but do not include the power to conduct teaching courses or to confer degrees.

Property

R.S.O. 1960,
c. 191

6. The Corporation has, subject to the Schedule hereto, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust
property
vested in
Corporation

7. Subject to the Schedule hereto, all property, whether real or personal, heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the Corporation, subject to any trusts affecting the same, shall be vested in the Corporation.

Tax
exemption

8. The property, real and personal, vested in the Corporation and any lands and premises leased to and occupied by the Corporation are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as they are actually used and occupied for the purposes of the Corporation.

Real
property of
Corporation
not liable to
exprop-
riation

9. Real property vested in the Corporation is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such property unless in the Act conferring the power it is made in express terms to apply thereto.

10. The Corporation has power to enact statutes and from time to time to repeal, re-enact and amend such statutes for the attainment of the objects and purposes of the Corporation and for the government and operation of Massey College relating to, Statutes of Corporation

- (a) the election of the Master by the Fellows and his term of office, provided that the election of the Master is subject to a confirming appointment by The Governors of the University of Toronto;
- (b) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto who are *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
- (c) the variation of the number of Fellows at any time and from time to time;
- (d) the election of a Visitor who, when elected, is a Fellow of the Corporation, and the duties, powers and privileges of the Visitor;
- (e) the making of rules and regulations pertaining to,
 - (i) the meetings of the Corporation,
 - (ii) the election of officers, including the Master,
 - (iii) the appointment of committees and the conferring upon any such committees of authority to act for the Corporation with respect to any matter,
 - (iv) the operation of Massey College,
 - (v) admission to residence and, subject to consultation with The Governors of the University of Toronto, the fixing of rates and charges;
- (f) the salaries and employment of servants;
- (g) the financing of the operation of Massey College;
- (h) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships.

Investment
of funds

11. The Corporation has power to invest the funds of the Corporation not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as the Corporation may in its uncontrolled discretion consider advisable, and the Corporation is not limited to investments authorized by law for trustees, provided that the funds of the Corporation shall be applied for the attainment of the objects and purposes for which the Corporation and Massey College are founded.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Master and Fellows of Massey College Act, 1960-61*.

SCHEDULE

THIS AGREEMENT made the 23rd day of February, one thousand nine hundred and sixty-one.

BETWEEN:

The Massey Foundation, hereinafter called "The Foundation",

OF THE FIRST PART

— and —

The Governors of the University of Toronto, hereinafter called "The University",

OF THE SECOND PART.

WHEREAS The Foundation proposes to erect, furnish and equip a hall of residence to be known as Massey College, on lands provided by The University, to be owned and controlled by an independent corporation to be known as "The Master and Fellows of Massey College".

AND WHEREAS The University has approved the proposal of The Foundation and, subject to ratification of this Agreement by Act of the Ontario Legislature, is willing to provide the land required for the purposes of Massey College as described in Schedule "A" attached hereto, and The Foundation and The University are willing to assume and discharge the burdens imposed upon them respectively as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

1. The Foundation and The University shall jointly petition the Legislative Assembly of the Province of Ontario for the enactment of a statute ratifying this Agreement and creating a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", (hereinafter sometimes called "The Corporation").

2. The University shall cause to be conveyed to The Corporation the lands and premises situate at the north west corner of Devonshire Place and Hoskin Avenue in the City of Toronto, more particularly described in Schedule "A" annexed hereto and made part hereof, cleared for building purposes, subject to the right of The University to remain in possession of the said lands and premises until the 31st day of July, 1961.

3. The Foundation shall, at its own expense, cause to be erected, furnished and equipped a building to be known as Massey College on the said lands and premises.

4. If at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and any and all buildings and improvements which at such time stand upon the said lands and premises and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise, in respect to their contribution to the cost of the said buildings, improvements, furnishings and equipment but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is impossible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine.

5. The plans and specifications for any buildings to be erected by The Foundation on the said lands and premises, and for any buildings to be erected on any other land hereinafter conveyed by The University to The Corporation, shall be the subject of prior consultation with The University for its consent prior to the erection of any of the said buildings and any material alterations in the said plans and specifications during the process of erection of any of the said buildings shall likewise be the subject of prior consultation with The University, and no such buildings shall be erected and no such material alterations shall be made without prior consultation with and approval in writing by The University. The Foundation shall, however, have the sole and entire responsibility for the erection of any buildings on the said lands and premises in conformity with the said plans, specifications and alterations as approved by The University.

6. The prayer of the petition for the enactment of a statute of the Legislature of Ontario shall include *inter alia*, the following:

- (a) Incorporation as a body corporate under the name of "The Master and Fellows of Massey College" of the persons named in the petition who shall be selected jointly by The Foundation and The University, and such other persons as may thereafter become Master and Fellows of Massey College, the first Master and Fellows to be named jointly by The Foundation and The University;
- (b) provision for a head of Massey College who shall be known as "the Master", the first Master to be the person named in the said petition and his successors to be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by The University. The Foundation may from time to time contribute to the funds of The Corporation;
- (c) the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto shall be *ex officio* Fellows;
- (d) a statement of the objects and purposes of The Corporation which (without the power to conduct teaching courses or to confer degrees) shall be the advancement of learning and, *inter alia*:
 - (i) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of The Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto;
 - (ii) to complement the functions of The University by providing amenities and facilities for a community of scholars, both residential and non-residential;
- (e) power to hold all lands at any time acquired by The Corporation in perpetuity, subject to the condition that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and all buildings and improvements which at such time stand upon the said lands and premises, and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise in respect of their contribution to the cost of the said buildings, improvements, furnishings and equipment, but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is im-

possible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine;

- (f) exemption of property vested in The Corporation from taxation for provincial, municipal or school purposes, so long as the same is actually used and occupied for the purposes of The Corporation;
- (g) provision that real property vested in the Corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose and that no power to expropriate real property conferred subsequent to the enactment of such statute shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto;
- (h) power in The Corporation to enact statutes and from time to time to repeal, re-enact and amend the same for the attainment of the objects and purposes of The Corporation and for the government and operation of Massey College and relating to:
 - (i) The election of the Master by the Fellows, and his term of office, provided that the election of the Master shall be subject to a confirming appointment by The University;
 - (ii) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto, who shall be *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
 - (iii) the variation of the number of Fellows at any time and from time to time;
 - (iv) provision for the election of a Visitor who shall be a Fellow of The Corporation and the making of statutes concerning the duties, powers and privileges of the Visitor;
 - (v) the making of rules and regulations pertaining to:
 - The meetings of The Corporation; the election of officers, including the Master; the appointment of committees and the conferring upon any such committees authority to act for The Corporation with respect to any matter; the operation of Massey College; admission to residence; and, subject to consultation with The University, the fixing of rates and charges;
 - (vi) the salaries and employment of servants;
 - (vii) the financing of the operation of Massey College;
 - (viii) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships;
- (i) power to receive gifts of money and property of any kind, to hold the same as trustees and, subject to any trust or trusts affecting the same, to apply the same or the proceeds thereof for the attainment of the objects and purposes of The Corporation, provided that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the balance of the funds then held by The Corporation shall, subject to any trust or trusts affecting the same, vest in The University, and The University shall apply such funds in its discretion for purposes consonant with the objects of The Corporation;

(j) power to invest and reinvest the funds of The Corporation, not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as The Corporation may in its uncontrolled discretion consider advisable and The Corporation shall not be limited to investments authorized by law for trustees, provided that the funds of The Corporation shall be applied for the attainment of the objects and purposes for which The Corporation and Massey College is founded;

(k) the annual budgets of The Corporation relating to Massey College shall be made available to The University.

7. The University shall and it hereby covenants that it will at its own expense:

(a) maintain the fabric of the buildings of Massey College to be erected on the lands described in Schedule "A" hereto, effect repairs and renovations thereof and thereto and in general maintain the said buildings to the same extent as if they were buildings of The University;

(b) supply or pay for the supply of heat, light, water, gas and power, fire and supplemental risks insurance, and such other maintenance services (other than the provision of cleaning staff and facilities), as may be required to enable Massey College to perform its functions.

8. The University shall advise with respect to the receipts and expenditures of Massey College and may pay and discharge from time to time any deficits arising from its operations.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals, attested by the signatures of their proper officers in that behalf.

THE MASSEY FOUNDATION :

(Seal) VINCENT MASSEY.
LIONEL MASSEY.

THE GOVERNORS OF THE UNIVERSITY
OF TORONTO :

(Seal) W. ERIC PHILLIPS,
Chairman.
J. F. BROOK,
Secretary.

Schedule "A"

UNIVERSITY OF TORONTO AND MASSEY COLLEGE

DESCRIPTION OF LANDS

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and being composed of all of Lots Nos. 1, 2 and 3 on the north side of Hoskin Avenue, and all of Lots Nos. 7 and 8 on the west side of Devonshire Place, and all of Lot No. 9 on the west side of Devonshire Place (save and except the northerly thirty feet (30') thereof throughout from front to rear); all according to a plan filed in the Registry Office for the City of Toronto as No. 101E.

CHAPTER 54

**An Act to amend
The Matrimonial Causes Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Matrimonial Causes Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 232,
amended

9a. There shall be an officer known as Her Majesty's Her
Majesty's
Proctor who shall be appointed by the Lieutenant Proctor,
appoint-
ment
Governor in Council.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Matrimonial Causes* Short title
Amendment Act, 1960-61.

CHAPTER 55

An Act to amend The Mental Hospitals Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 16 of *The Mental Hospitals Act* is amended by inserting after "Act" in the third line "or a hospital under *The Children's Mental Hospitals Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 236, s. 16,
subs. 3,
amended

- (3) The Deputy Minister has authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* or a hospital under *The Children's Mental Hospitals Act* for investigation or treatment, and to return the patient to an institution when the patient has received such investigation or treatment as may be necessary.

Transfer to
other types
of mental
hospitals
R.S.O. 1960,
cc. 315, 56

2. *The Mental Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 236,
amended

79a. Notwithstanding the provisions of this Act, the Lieutenant Governor in Council may make regulations respecting the computation of the amount that is due and owing for maintenance of patients for the purpose of,

Regulations
re main-
tenance

- (a) prescribing a limit of not less than six years upon the period of time for which the amount that is due and owing for maintenance shall be computed, or otherwise reducing such amount upon such terms and conditions as are prescribed;
- (b) authorizing the Deputy Minister or other designated person to give discharges for amounts paid under the regulations.

R.S.O. 1960,
c. 236, s. 83,
amended

3. Section 83 of *The Mental Hospitals Act* is amended by striking out “or” at the end of clause *b*, by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) a person admitted under section 22.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1960-61*.

CHAPTER 56

An Act to amend The Milk Industry Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 12, re-enacted

12. “fluid milk” means such class or classes of milk produced for sale to distributors for use in fluid milk products as are designated in the regulations.

(2) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 1, subs. 1, par. 25, re-enacted

25. “plan” means a plan that is in force under this Act to provide for the regulating or controlling of the marketing of,

(a) milk, fluid milk or cream;

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

(3) Subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 1, subs. 2, re-enacted

- (2) The purpose and intent of this Act is to provide for the regulation and control in any or all respects of the marketing within Ontario, including the prohibition of such marketing in whole or in part, of, Purpose and intent

(a) milk, fluid milk or cream;

(b)

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

R.S.O. 1960,
c. 239, s. 4,
subs. 2,
re-enacted

2. Subsection 2 of section 4 of *The Milk Industry Act* is repealed and the following substituted therefor:

Members

(2) The board shall consist of at least five members.

R.S.O. 1960,
c. 239, s. 5,
subs. 7,
cl. d,
re-enacted

3. Clause *d* of subsection 7 of section 5 of *The Milk Industry Act* is repealed and the following substituted therefor:

(d) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(dd) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board determines;

(ddd) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1960,
c. 239, s. 6,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 6 of *The Milk Industry Act* is repealed and the following substituted therefor:

Petition
for a plan

(1) Where the Board receives from any group of producers in Ontario a petition or request asking that a plan be established for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and, where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the proposed plan and matters relating to the marketing of the milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, as the case may be.

R.S.O. 1960,
c. 239, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, will be conducive to the more efficient production and marketing thereof, the Board may submit to a plebiscite of the producers thereof the question of favour of the plan.

(3) Subsection 6 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 239, s. 6,
subs. 6,
amended

- (6) Where the Board submits or resubmits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

Regulations
for taking
of plebiscite

.

(4) Subsection 9 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

R.S.O. 1960,
c. 239, s. 6,
subs. 9,
amended

- (9) Where the Board submits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any such product or regulated product.

Additional
questions
may be
submitted
to
plebiscite

5.—(1) Clause *a* of subsection 1 of section 7 of *The Milk Industry Act* is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fifth line "or combination", so that the clause shall read as follows:

R.S.O. 1960,
c. 239, s. 7,
subs. 1,
cl. a,
amended

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and constituting local boards to administer such plans.

R.S.O. 1960,
c. 239, s. 7,
subs. 1,
amended

- (2) Subsection 1 of the said section 7 is amended by adding thereto the following clause:

(f) notwithstanding any other Act providing for,

- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
- (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
- (iii) the disposing of any or all of the assets of a marketing agency in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

R.S.O. 1960,
c. 239, s. 7,
subs. 2,
cl. b,
amended

- (3) Clause *b* of subsection 2 of the said section 7 is amended by inserting after "fluid milk" in the first line "or cream" and by inserting after "portion" in the third line "or combination", so that the clause shall read as follows:

- (b) milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof; and

.

R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

6. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

17a. requiring that no charges, costs or expenses relating to the production or marketing of a regulated product shall be made, other than those provided in the agreement or award in force for the marketing of the regulated product.

R.S.O. 1960,
c. 239, s. 9,
cl. a,
subcl. vi,
repealed

- 7.—(1) Subclause vi of clause *a* of section 9 of *The Milk Industry Act* is repealed.

(2) Clause *a* of the said section 9 is amended by adding thereto the following subclauses:

R.S.O. 1960,
c. 239, s. 9,
cl. *a*,
amended

(x) to prohibit any producer from selling any regulated product to any person other than the marketing agency,

(xi) to prohibit any person from buying any regulated product from any person other than the marketing agency.

(3) Clause *b* of the said section 9 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows:

R.S.O. 1960,
c. 239, s. 9,
cl. *b*,
amended

(b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

(4) The said section 9 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 239, s. 9,
amended

(bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause *a* its expenses in carrying out the purposes of the plan.

(5) Clause *c* of the said section 9 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause vi of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows:

R.S.O. 1960,
c. 239, s. 9,
cl. *c*,
amended

(c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause *a* and to fix the times at which or within which such payments shall be made.

(6) The said section 9 is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 239, s. 9,
amended

(e) subject to the approval of the Board in writing, vesting in the marketing agency power to appoint persons as sub-agents of the marketing agency and to delegate such of its powers as it deems advisable to any sub-agent during the term of his appointment, and to cancel the appointment of a sub-agent.

(7) The said section 9 is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 239, s. 9,
amended

Powers may
be limited

- (2) Any powers exercisable by a marketing agency may be limited as to time and place.

Board may
require in-
formation

- (3) The Board may from time to time, with respect to any regulated product, require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency, and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

(a) the service charges fixed under clause *b* of subsection 1;

(b) the purposes for which the service charges are used and the amounts expended for each purpose;

(c) any proposed changes in the amounts of the service charges;

(d) operating deficits or profits and reserves of the local board or the marketing agency;

(e) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and

(f) the purposes of the plan in effect for the marketing of the regulated product.

Maximum
service
charges

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper.

Powers of
Board re
plans

- (5) The Board may require any local board,

(a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(b) to carry out any purpose of the plan that the Board deems necessary or advisable;

(c) to vary any purpose of the plan as the Board deems advisable; and

(d)

(d) to cease and desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

(6) Except where a marketing agency is designated under paragraph 24 of subsection 1 of section 8, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c*, *d* and *e* of subsection 1.

Regulations to give local board powers of marketing agencies

(7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board.

Marketing of regulated product by local board

8. Section 12 of *The Milk Industry Act* is amended by adding thereto the following clause:

R.S.O. 1960, c. 239, s. 12, amended

(h) designating classes of producers.

9. Paragraphs 14 and 15 of section 17 of *The Milk Industry Act* are repealed and the following substituted therefor:

R.S.O. 1960, c. 239, s. 17, pars. 14, 15, re-enacted

14. establishing classes of milk, fluid milk, cream, milk products, fluid milk products or milk or cream for manufacture into milk products;

15. establishing grades for milk, fluid milk, cream, milk or cream for manufacture into milk products or milk products, or any class thereof.

10. Section 22 of *The Milk Industry Act* is amended by striking out "28 and 29" in the first line and inserting in lieu thereof "and 28", so that the section shall read as follows:

R.S.O. 1960, c. 239, s. 22, amended

22. Sections 23, 24, 25, 26, 27 and 28 apply to the marketing of fluid milk, other than fluid milk in respect of which a plan is in force.

Application of ss. 23-28

11. Section 29 of *The Milk Industry Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 239, s. 29, re-enacted

29.—(1) The Board may issue to a distributor a licence to sell or distribute fluid milk products in any designated distribution area or municipality or part thereof, shown on the licence.

Distributor's areas may be restricted

(2) A distributor shall not sell or deliver fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence.

Idem

R.S.O. 1960,
c. 239, s. 36,
subs. 1,
amended

12. Subsection 1 of section 36 of *The Milk Industry Act* is amended by inserting after "transporter" in the sixth, seventh and ninth lines "processor", so that the subsection shall read as follows:

Injunction
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor or distributor named in the order during the same period.

Commence-
ment

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

14. This Act may be cited as *The Milk Industry Amendment Act, 1960-61*.

CHAPTER 57

**An Act to amend
The Mortgage Brokers Registration Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 244, s. 7, amended

(2) The Registrar may at any time make an inspection of the books, documents and records of any mortgage broker. Inspection of books, accounts, etc.

(3) Upon an inspection under subsection 2, the Registrar is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the mortgage broker, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Registrar for the purposes of the inspection. Free access to books, etc.

2. Section 11 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 244, s. 11, amended

(3a) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply. Power to summon witnesses and require production

3. Section 15 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 244, s. 15, amended

(cc) prescribing the limitations and conditions subject to which a person may be registered.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1960-61*.

CHAPTER 58

An Act to amend The Mortgages Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following section: R.S.O. 1960, c. 245, amended

3a.—(1) Notwithstanding any stipulation to the contrary, within thirty days after receipt by the mortgagee of a mortgage executed by the mortgagor, the mortgagee or his solicitor or representative shall deliver or mail or cause to be delivered or mailed a true copy of the mortgage to the mortgagor or his solicitor or representative. Right of mortgagor to copy of mortgage

(2) If the mortgagee or his solicitor or representative fails to deliver or mail or cause to be delivered or mailed a true copy of the mortgage to the mortgagor or his solicitor or representative within thirty days after receipt by the mortgagee of the mortgage executed by the mortgagor as required by subsection 1, the mortgagor may, within ten days after the period of thirty days has elapsed, demand from the mortgagee a true copy of the mortgage, and, if the mortgagee fails to comply with the demand within ten days after receipt of the demand by him, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. Offence

2. This Act may be cited as *The Mortgages Amendment Act, 1960-61*. Short title

CHAPTER 59

An Act to amend The Municipal Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Act* is ^{R.S.O. 1960,} amended by inserting after "village" in the second line ^{c. 249, s. 10,} "having a population of not less than 500", so that the sub-^{subs. 5,} amended section shall read as follows:

- (5) The Municipal Board, upon the application of the ^{Idem} trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village.

2. Section 14 of *The Municipal Act* is amended by adding ^{R.S.O. 1960,} thereto the following subsection: ^{c. 249, s. 14,} amended

- (4a) If it appears that by reason of an application made ^{Annexation} under subsection 2 a municipality would, if an order ^{of remaining} were made granting the application, be left, in regard ^{part of} to size, assets, location or otherwise, in such condition ^{municipality} that it would be desirable to annex the whole or part ^{following} or parts of the municipality remaining after such ^{order} order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order,
- (a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and
- (b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

3. Subsection 3 of section 35 of *The Municipal Act* is amended by adding thereto the following clause:

- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board.

R.S.O. 1960,
c. 98

4. Subsection 1 of section 190 of *The Municipal Act* is repealed and the following substituted therefor:

Open
meetings

- (1) The meetings, except meetings of a committee including a committee of the whole, of every council and of every local board as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 197,
subs. 1,
amended

5. Subsection 1 of section 197 of *The Municipal Act* is amended by inserting at the commencement thereof "Except where he is disqualified to vote by reason of interest or otherwise", so that the subsection shall read as follows:

Voting to
be open
and to be
recorded

- (1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

R.S.O. 1960,
c. 249,
amended

6. *The Municipal Act* is amended by adding thereto the following section:

Disclosure
of interest
in contract
R.S.O. 1960,
c. 98

198a.—(1) If a member of a council or of a local board as defined in *The Department of Municipal Affairs Act* has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the

meeting,

meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

- (2) If the interest of a member of a council or of a local board as defined in *The Department of Municipal Affairs Act* has not been disclosed as required by subsection 1 by reason of his absence from the meeting referred to therein or by reason of such interest having been acquired subsequent to such meeting, he shall disclose such interest at the first meeting of such council or local board attended by him after the meeting referred to in subsection 1 or after acquiring such interest, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter. ^{Idem R.S.O. 1960, c. 98.}
- (3) Subsection 1 does not apply to an interest in a contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public. ^{Not applicable to interest in certain matters}
- (4) The failure of one or more members of a council or local board to comply with subsection 1 does not invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1. ^{Effect of failure to disclose on proceedings of council}
- (5) Every disclosure of interest at a meeting shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be. ^{Recording of disclosure}
- (6) Where it appears at any meeting that a disclosure of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be. ^{Recording of non-disclosure}

R.S.O. 1960,
c. 249, s. 216,
subs. 2,
amended

7. Subsection 2 of section 216 of *The Municipal Act* is amended by striking out "box" in the first line and inserting in lieu thereof "book", so that the subsection, exclusive of the clauses, shall read as follows:

Index of
restricted
area by-
laws, etc.

- (2) The clerk shall keep an index book in which he shall enter the number and date of,

.

R.S.O. 1960,
c. 249, s. 228,
subs. 6,
amended

8. Subsection 6 of section 228 of *The Municipal Act* is amended by striking out "with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor" in the seventh, eighth and ninth lines and inserting in lieu thereof "or any employment with the municipality or any of such local boards other than for services within his professional capacity", so that the subsection shall read as follows:

Disquali-
fication of
persons as
auditors

- (6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity.

R.S.O. 1960,
c. 249, s. 282,
subs. 1, cl. a,
amended

9. Clause *a* of subsection 1 of section 282 of *The Municipal Act* is amended by striking out "sewers" in the second line, so that the clause shall read as follows:

- (a) if the debt is for railways, harbour works or improvements, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years.

R.S.O. 1960,
c. 249, s. 286,
subs. 2,
amended

10.—(1) Subsection 2 of section 286 of *The Municipal Act* is amended by inserting after "year" in the third line "when it is a debt payable within the two-year term for which the council was elected at a biennial election or", so that the subsection, exclusive of the clauses, shall read as follows:

Projects
for which
corporation
not deemed
to incur
debt, pay-
ment of
which is not
provided
for in
estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year term for which the

council was elected at a biennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

.

(2) Clause *d* of subsection 3 of the said section 286 is amended by striking out "of a county, or" in the first line, so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 286,
subs. 3, cl. *d*,
amended

(*d*) by the council of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

.

(3) Subsection 3 of the said section 286 is amended by adding "or" at the end of clause *m* and by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

(*n*) by the council of a county.

11. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

294*a*.—(1) Notwithstanding section 294, the council of every local municipality may, in any year, before the adoption of the estimates for that year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters. Levy authorized
before
estimates
adopted

(2) Where in any year a levy is made under subsection 1, the amount required to be raised in that year by levy under section 294 with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1. Levy under
s. 294 to
be reduced

(3) The provisions of *The Assessment Act*, with respect to the levy of the yearly rates and the collection of taxes, apply *mutatis mutandis* to the levy of rates and

collection

collection of taxes under this section, provided that any percentage charge as a penalty imposed under subsection 3 of section 120 of *The Assessment Act* for non-payment of any taxes or an instalment thereof levied under this section shall not exceed one-half of 1 per cent.

R.S.O. 1960,
c. 249, s. 302,
re-enacted

12. Section 302 of *The Municipal Act* is repealed and the following substituted therefor:

Investment
of moneys
not
immediately
required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank, provided that the treasury bills, short-term bonds or deposit certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys were invested.

R.S.O. 1960,
c. 249,
ss. 317-319,
repealed

13. Sections 317, 318 and 319 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 35,
amended

14.—(1) Paragraph 35 of section 377 of *The Municipal Act* is amended by adding thereto the following clause:

(b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department.

R.S.O. 1960,
c. 249, s. 377,
par. 60,
amended

(2) Paragraph 60 of the said section 377 is amended by adding thereto the following clause:

Application
of cl. b

(c) Clause *b* applies only where the transfer of employment from one municipality or local board to another municipality or local board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 48,
repealed

15.—(1) Paragraph 48 of subsection 1 of section 379 of *The Municipal Act* is repealed.

Application
to by-laws

(2) Subsection 1 does not affect any by-law, heretofore lawfully passed, granting a fixed assessment until the term of the fixed assessment granted by the by-law has expired.

(3) Paragraph 79 of subsection 1 of the said section 379 is amended by striking out "hoists" in the second line, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 79,
amended

79. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

Construc-
tion of
scaffolding,
etc.

(4) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

88a. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide,

Public bus
transporta-
tion systems
R.S.O. 1960,
cc. 337, 172

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms

upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

.

Licensing and regulating self-service laundries, etc.

135. For regulating and governing laundreterias and washing machines and dryers for use by the public, including coin-operated washing machines and dryers, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any of such services or machines, and for revoking such licences.

R.S.O. 1960, c. 249, s. 381, par. 6, repealed

16. Paragraph 6 of section 381 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 384, amended

17. Section 384 of *The Municipal Act* is amended by striking out "and towns" in the second line and inserting in lieu thereof "towns and townships", so that the section, exclusive of the paragraphs, shall read as follows:

384. By-laws may be passed by the councils of counties, cities, towns and townships:

.

R.S.O. 1960, c. 249, s. 390, par. 1, repealed

18. Paragraph 1 of section 390 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 398, amended

19. Section 398 of *The Municipal Act* is amended by striking out "and towns in unorganized territory" in the second line and inserting in lieu thereof "towns in unorganized territory and townships having a population of not less than 100,000", so that the section, exclusive of the paragraph, shall read as follows:

398. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

.

R.S.O. 1960, c. 249, s. 401, par. 15, cl. b, subcl. iii, amended

20. Subclause iii of clause b of paragraph 15 of section 401 of *The Municipal Act* is amended by striking out "\$10" in the first line and inserting in lieu thereof "\$20", so that the subclause shall read as follows:

(iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

21. Section 403 of *The Municipal Act* is amended by inserting after "cities" in the second line "and, in respect of paragraph 3, by the councils of towns, villages and townships", so that the section, exclusive of the paragraphs, shall read as follows:

403. By-laws may be passed by boards of commissioners of police of cities and, in respect of paragraph 3, by the councils of towns, villages and townships:

.

22. Section 407 of *The Municipal Act* is repealed and the following substituted therefor:

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

23. Paragraph 7 of section 476 of *The Municipal Act* is amended by adding thereto the following clause:

(b) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

24.—(1) This Act, except section 7, subsection 1 of section 14 and section 18, comes into force on the day it receives Royal Assent.

(2) Subsection 1 of section 14 shall be deemed to have come into force on the 1st day of January, 1958.

(3) Section 7 shall be deemed to have come into force on the 1st day of January, 1961.

(4) Section 18 comes into force on the 1st day of January, 1962.

25. This Act may be cited as *The Municipal Amendment Act, 1960-61*.

CHAPTER 60

An Act to amend The Municipal Unconditional Grants Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 259,
amended

8a.—(1) In this section, “statutory payments” means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections. Statutory
payments
defined

R.S.O. 1960,
c. 322

(2) In the year 1961 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1961 be less than 70 per cent of the statutory payments made by the municipality with respect to that year. Grants re
indigent
hospitaliza-
tion

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960-61*. Short title

CHAPTER 61

**An Act to amend
The Municipality of Metropolitan Toronto Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “190” in the first line, R.S.O. 1960, c. 260, s. 17, amended so that subsection 1 of the said section 17 shall read as follows:

(1) Sections 192, 193, 195, 197, 198, 199, 244, 253 Application of R.S.O. 1960, c. 249 and 275 to 280 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 17 is further amended by adding R.S.O. 1960, c. 260, s. 17, amended thereto the following subsection:

(2) Sections 190 and 198a of *The Municipal Act* apply Idem *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

2. Section 122 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “\$50,000” in the second line and inserting in lieu thereof “\$80,000”, so that the section shall read as follows: R.S.O. 1960, c. 260, s. 122, amended

122. The Metropolitan Council may make an annual Grants re free transportation for blind, etc. grant of not more than \$80,000 to the Toronto Transit Commission toward the cost of providing free transportation for blind persons and war amputees.

3. Subsection 2 of section 123 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “any such buildings or structures” in the fourth line and inserting in lieu thereof “subway stations”, so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 123, subs. 2, amended

Application

- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in subway stations.

R.S.O. 1960,
c. 260, s. 135,
subs. 6,
re-enacted

4. Subsection 6 of section 135 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Wards of
Children's
Aid
Society

- (6) Where a child,

(a) who is a ward of The Metropolitan Toronto Children's Aid Society or whose mother is his sole support; and

(b) who has the right to attend a public or secondary school in an area municipality without payment of a fee,

resides in the Metropolitan Area, he has the same right to attend a school without payment of a fee as he would have if his residence was that of his parents or guardians and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the public school division or secondary school district in which he resides.

R.S.O. 1960,
c. 260, s. 139,
amended

5. Section 139 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

School tax
assistance
grants

- (2a) The residential and farm school tax assistance grant shall be paid to each board of education in the Metropolitan Area.

R.S.O. 1960,
c. 260,
amended

6. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Acquisition
of school
sites by
School
Board

- 145a.—(1) If it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area is or will be desirable, the School Board may acquire land for the school site by purchase or otherwise or by expropriation.

Borrowing

- (2) The Metropolitan Council may borrow money at the request of the School Board for the purpose of acquiring land under subsection 1 and the School Board shall pay the interest charges on the amount borrowed as they fall due and shall repay the principal sum within five years from the date it was made available to it.

- (3) Upon being reimbursed for all expenses, including interest charges on money borrowed under subsection 2, actually incurred in acquiring and holding the land less any revenue received therefrom, the School Board may convey the land to a board of education having jurisdiction in one of the divisions or districts from which pupils will attend the school when erected. Transfer to board of education

- (4) The School Board may sell land acquired under subsection 1 if it appears to the School Board that such land will not be required for the erection of a school and may lease or rent such land at any time if it appears to the School Board that it is not immediately so required. Disposition

- (5) Part VI of *The Schools Administration Act* applies to the expropriation of land under this section and to the compensation to be paid for land so expropriated. Application of R.S.O. 1960, c. 361, to expropriation

- (6) All land acquired under subsection 1, so long as it is held by the School Board, is subject to municipal assessment and taxation in the municipality in which it is situated. Assessment and taxation

7. Section 157 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 157, amended

- (6) The Metropolitan Corporation may pay to the local board of health of any area municipality the whole or any part of the cost incurred by such local board for dairy farm inspections made after the 31st day of December, 1960. Dairy farm inspections

8. Clause *a* of subsection 2 of section 159 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "member of the Metropolitan Council as is" in the third and fourth lines and inserting in lieu thereof "person or persons as may be", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 159, subs. 2, cl. a, amended

- (a) the authorization in the prescribed form referred to in clause *e* of that section shall be signed by the chairman or by such other person or persons as may be designated by resolution of the Metropolitan Council.

9. Section 223 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 223, amended

Metropolitan
Corporation
a municipality
under R.S.O.
1960, c. 285

(3) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands
owned by
Metropolitan
Conservation
Authority

(4) Where, under an agreement with The Metropolitan Toronto and Region Conservation Authority, lands vested in the Authority are managed and controlled by the Metropolitan Corporation, the Metropolitan Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1960,
c. 172

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 59 of *The Highway Traffic Act*;

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Metropolitan Corporation and used for park purposes.

Tax
exemption

(5) An exemption from taxes under subsection 4 shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*.

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 260, s. 226,
amended

10. Section 226 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Ferry
service

(7) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a ferry service for providing access to the lands vested in the Metropolitan Corporation under this section for so long as such lands or any part thereof remain so vested and are used for park purposes, and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and

such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

11. Subsection 1 of section 232 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 232, subs. 1, re-enacted

- (1) The Metropolitan Council, or The Metropolitan School Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds

12. Section 236 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, s. 236, amended

- (4) Upon any application, the Municipal Board may direct that the applicant give, by registered mail, to the persons mentioned in subsection 2, notice of the application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant within such time as may be specified by the Municipal Board any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

13. Subsection 8 of section 255 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 255, subs. 8, re-enacted

- (8) By-laws may be passed by the Metropolitan Council, Emergency measures civil defence
- (a) for the establishment and maintenance of emergency measures civil defence organizations in the Metropolitan Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work in the Metropolitan Area,

and,

and, when a by-law passed under this subsection is in force in the Metropolitan Area, any by-law passed by the council of an area municipality under sub-clauses ii and iii of clause *b* of section 378 of *The Municipal Act* has no effect.

R.S.O. 1960,
c. 249

R.S.O. 1960,
c. 260, s. 257,
re-enacted

14. Section 257 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Garbage
disposal

257.—(1) The Metropolitan Corporation may acquire, use or occupy land and may erect, maintain and operate buildings, structures and machinery for the purposes of dumping and disposing of garbage, refuse and domestic or industrial waste of any kind and may regulate the dumping and disposing of garbage, refuse and domestic or industrial waste of any kind upon such land and charge fees therefor.

Approval of
municipality

(2) The powers conferred by subsection 1 shall not be exercised without the approval of the area municipality in which the land is situate or the dumping and disposal operations are to be carried on.

Grants

15. The Metropolitan Council may make the following grants:

1. \$2,000 to the Tunnel Tragedy Fund.
2. \$50,000 to the Toronto Association of Occupational Therapy, toward the cost of a new Toronto rehabilitation centre.
3. \$10,000 to the Elizabeth Fry Society.
4. \$1,000 to the Community Planning Association of Canada, Ontario Division.
5. \$50,000 to the Salvation Army, toward the cost of a rehabilitation centre for alcoholics.
6. \$25,000 to the St. Alban's Boys Sports Club Incorporated.
7. \$100,000 to the Scott Mission Incorporated, toward the cost of construction of a new building.
8. \$100,000 to the building fund of The Metropolitan Toronto Association for Retarded Children.

9. \$15,000 to the Catholic Children's Aid Society of Metropolitan Toronto toward the cost of renovating the Neil McNeil property of the Society.

16. The Metropolitan Corporation may acquire land in connection with the Lawrence Heights Project in the Township of North York and may grant assistance not exceeding \$60,000 toward the total cost of the acquisition of the land and the construction of a community centre thereon.

17.—(1) This Act, except paragraphs 1, 4, 6 and 7 of section 15, comes into force on the day it receives Royal Assent.

(2) Paragraphs 1, 4, 6 and 7 of section 15 shall be deemed to have come into force on the 1st day of January, 1960.

18. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*.

CHAPTER 62

An Act to amend The Nursing Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 6 of *The Nursing Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 265, s. 6,
cl. *d*,
re-enacted

(*d*) governing the registration, with or without examination, of persons as certified nursing assistants who have received training in nursing outside or within Ontario.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Nursing Amendment Act*, 1960-61.

Short title

CHAPTER 63

**An Act to amend
The Ontario Anti-Discrimination
Commission Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title of *The Ontario Anti-Discrimination Commission Act* is amended by striking out "Anti-Discrimination" in the first line and inserting in lieu thereof "Human Rights", so that the long title shall read as follows:

R.S.O. 1960,
c. 270,
long title,
amended

The Ontario Human Rights Commission Act

2. Subsection 1 of section 2 of *The Ontario Anti-Discrimination Commission Act* is amended by adding at the end thereof "under the name The Ontario Human Rights Commission", so that the subsection shall read as follows:

R.S.O. 1960,
c. 270, s. 2,
subs. 1,
amended

(1) The Ontario Anti-Discrimination Commission is hereby continued under the name The Ontario Human Rights Commission.

Commission
continued

3. Clauses *a*, *b* and *c* of section 3 of *The Ontario Anti-Discrimination Commission Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 270, s. 3,
cls. *a-c*,
re-enacted

(a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;

(b) to advise the Minister in the administration of *The Fair Accommodation Practices Act*, *The Fair Employment Practices Act* and *The Female Employees' Fair Remuneration Act*;

R.S.O. 1960,
cc. 131, 132,
139

(c) to make recommendations to the Minister designed to improve the administration of the Acts mentioned in clause *b*;

(d)

(d) to promote an understanding of, acceptance of and compliance with the Acts mentioned in clause *b*; and

(e) to develop and conduct educational programmes designed to eliminate discriminatory practices.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Anti-Discrimination Commission Amendment Act, 1960-61*.

CHAPTER 64

**An Act to amend
The Ontario Energy Board Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Ontario Energy Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 271, s. 12,
amended

(1a) Notwithstanding subsection 1, the Board has authority to act and may act under and in accordance with clause *j* of section 28 of this Act or section 8 of *The Energy Act*. Additional
authority

R.S.O. 1960,
c. 122

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1960-61*. Short title

CHAPTER 65

**An Act to amend
The Ontario Highway Transport Board Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Ontario Highway Transport Board Act* R.S.O. 1960, c. 273, s. 20, amended is amended by inserting after "order" in the fourth line "or certificate" and by inserting after "order" where it occurs the first time in the fifth line "or certificate", so that the section shall read as follows:

20. The Lieutenant Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, vary or rescind any order or certificate of the Board whether the order or certificate was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Board and all parties.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1960-61*. Short title

CHAPTER 66

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby ^{Loans up to \$100,000,000 authorized} authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for ^{R.S.O. 1960, c. 142} the purpose of such payment, shall not exceed in the aggregate \$100,000,000.

(2) The sum or sums of money authorized to be raised by *Idem* subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner *Idem* provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1960-61*.

CHAPTER 67

**An Act to establish
The Ontario Mental Health Foundation**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There is hereby established a corporation to be known as The Ontario Mental Health Foundation, herein referred to as "the Foundation", Foundation established

2.—(1) The Foundation shall consist of not fewer than Members seven members who shall be appointed by the Lieutenant Governor in Council and who shall hold office during pleasure.

(2) The Lieutenant Governor in Council may fill any Vacancies vacancies that may occur from time to time in the membership of the Foundation.

(3) Five of the members of the Foundation constitute a Quorum quorum for the transaction of business.

3.—(1) The Lieutenant Governor in Council may appoint Chairman and vice-chairman one of the members to be chairman of the Foundation and another of the members to be vice-chairman of the Foundation.

(2) The chairman shall preside at all meetings of the Presiding officer Foundation at which he is present and in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect one of themselves to preside.

4. Subject to the approval of the Lieutenant Governor in Council, the Foundation may appoint an Advisory medical board advisory medical board consisting of such persons representative of the medical faculties of University of Toronto, Queen's University, The University of Western Ontario and Université d'Ottawa, and of psychiatrists and the medical profession generally as the Foundation considers appropriate.

Object

5. The object of the Foundation is to establish and conduct a programme of research, diagnosis and treatment in mental health, including,

- (a) the establishment, maintenance and operation of research, diagnostic and treatment centres in general hospitals and elsewhere;
- (b) the transportation of patients and escorts to its treatment centres or to community hospitals for diagnosis, treatment or investigation;
- (c) the establishment, maintenance and operation of hostels in connection with its treatment centres and community hospitals;
- (d) the laboratory and clinical investigation of psychiatric disorders;
- (e) the co-ordination of facilities for treatment;
- (f) the adequate reporting of cases and the recording and compilation of data;
- (g) the education of the public in the importance of early recognition and treatment;
- (h) the providing of facilities for under-graduate and post-graduate study;
- (i) the training of technical personnel; and
- (j) the providing and awarding of research fellowships.

Agreements

6. Subject to the approval of the Lieutenant Governor in Council, the Foundation may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Foundation.

Staff

7. The Foundation may employ a director and officers, clerks and servants and may engage the services of experts and other persons and may pay such director, officers, clerks, servants, experts and other persons such remuneration as it deems proper out of its funds.

By-laws

8. Subject to the approval of the Lieutenant Governor in Council, the Foundation may make such by-laws, rules and regulations as are deemed expedient for the administration of its affairs.

9. The funds of the Foundation consist of moneys received ^{Funds} by it from any source, including moneys appropriated for its use by the Parliament of Canada or the Legislature of Ontario, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it deems proper.

10. The members of the Foundation and its medical ^{Expenses} advisory board shall be paid such amounts for travelling and other expenses as the Foundation, subject to the approval of the Lieutenant Governor in Council, determines from time to time.

11. The accounts of the Foundation shall be audited ^{Audit} annually by the Provincial Auditor or by such qualified auditor as the Lieutenant Governor in Council designates, in which event the costs of the audit shall be paid out of the funds of the Foundation.

12.—(1) The Foundation shall after the close of each fiscal ^{Annual} year make a report upon its affairs during the preceding year ^{report} to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Foundation during the preceding year.

(2) The Minister of Health shall submit the report to the ^{Idem} Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

13. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

14. This Act may be cited as *The Ontario Mental Health* ^{Short title} *Foundation Act, 1960-61.*

CHAPTER 68

**An Act to amend
The Ontario Municipal Board Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 59 of *The Ontario Municipal Board Act* is amended by adding at the end thereof "and the signature may be written, printed or otherwise mechanically reproduced", so that the subsection shall read as follows:

R.S.O. 1960
c. 274, s. 59
subs. 2,
amended

- (2) Notwithstanding subsection 2 of section 12, the certificate may be signed by any member of the Board or by a person specially authorized by the chairman and the signature may be written, printed or otherwise mechanically reproduced.

Signature
on
certificate

2. Subsection 2 of section 63 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 274, s. 63
subs. 2,
re-enacted

- (2) Except as provided in subsections 2a, 2b and 2c, the Board before making any order under subsection 1 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the matter and of hearing any objections that any person may desire to bring to the attention of the Board.

Public
hearing

- (2a) Upon any application, the Board may direct that the notice to be given shall state that anyone objecting to dispensing with the assent of the electors may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board his objection to dispensing with the assent of the electors.

Notice to
provide for
filing of
objections

Where no
objections

(2b) Where notice has been given under subsection 2a, the Board may, when no notice of objection has been filed within the time specified in the notice, dispense with the assent of the electors without holding a public hearing.

Where
objections
filed

(2c) If one or more objections have been filed within the time specified in the notice, the Board shall hold a public hearing unless, under all the circumstances affecting the matter, the Board deems the objection or, if more than one, all the objections to be insufficient to require a public hearing.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1960-61*.

CHAPTER 69

An Act to amend The Ontario Northland Transportation Commission Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Ontario Northland Transportation Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 276, s. 41. re-enacted

41.—(1) The Commission shall, after the close of each Annual report fiscal year of the Commission, file with the member of the Executive Council who is responsible for the administration of this Act an annual report which shall include the report of its auditor and which shall set forth the operations of the Commission for the fiscal year then last past and such particulars as may appear to the Commission to be of public interest or as may be required by the Lieutenant Governor in Council.

(2) The member of the Executive Council who is re-Tabling sponsible for the administration of this Act shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1960-61*. Short title

CHAPTER 70

**An Act to amend The Ontario-St. Lawrence
Development Commission Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 16, re-enacted

16.—(1) The Commission shall file a report annually with the Minister containing such information as the Minister may require. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1960-61*. Short title

CHAPTER 71

An Act to amend The Ontario Water Resources Commission Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Water Resources Commission Act* is amended by inserting after "includes" in the second line "payments made by the Commission under subsection 3 of section 10 and", so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. 3,
amended

- (g) "cost" in relation to a project means the cost thereof as determined by the Commission and includes payments made by the Commission under subsection 3 of section 10 and interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project.

2. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2,
re-enacted

- (2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are contributors to the pension plan established under subsection 3, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.
- (3) The Commission, subject to the approval of the Lieutenant Governor in Council, may enter into agreements to establish and provide, for any person

Employees'
super-
annuation
benefits
R.S.O. 1960,
c. 332

Pension
agreements
re water
works staff,
etc.

employed

employed by the Commission in connection with the operation of sewage works or water works provided and operated by the Commission under this Act, a pension, welfare and life insurance plan, or any of them, and may pay the employer's share of the cost of any such plan.

Transfer of credits in Public Service Superannuation Fund

- (4) Where an employee of the Commission referred to in subsection 3 who is a contributor to the Public Service Superannuation Fund becomes a contributor to a pension plan established under subsection 3, a sum of money equal to his contributions and credits in the Public Service Superannuation Fund or such portion thereof as the Public Service Superannuation Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into the pension plan established under subsection 3.

Deemed payments under Part I of R.S.O. 1960, c. 332

- (5) Any money paid out of the Public Service Superannuation Fund under subsection 4 shall be deemed to be paid out of the Fund under Part I of *The Public Service Superannuation Act*.

R.S.O. 1960, c. 281, amended

3. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Interpretation

28a.—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Taking of water regulated

- (2) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection 3, no person shall take more than a total of 10,000 gallons of water in a day,
- (a) by means of a well or wells or excavation or excavations that are bored, drilled, dug or deepened after this section comes into force; or
- (b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are first installed in the source of supply or is or are enlarged after this section comes into force; or

(c)

(c) by means of a structure or works constructed after this section comes into force for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses *a*, *b* and *c*,

without a permit issued by the Commission.

(3) Subsection 2 does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting.

Application
to domestic
and
farm use

(4) The Commission may in its discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper and may alter the terms and conditions of a permit after it is issued.

Permit

4. Subsection 3 of section 45 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 45,
subs. 3,
re-enacted

(3) The members of the investment committee may appoint a chairman and a vice-chairman from among their number and the Commission shall appoint a secretary for the investment committee.

Officers

5. Subsection 1 of section 47 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 281, s. 47,
subs. 1,
amended

(j*j*) prohibiting, regulating and controlling the addition of any substance to the water in any lake, river, pond, spring, stream, reservoir or other body of water.

6. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 281,
amended

47*a*. Where a municipality is required to carry out inspections with respect to plumbing, as prescribed by regulations made under section 47, the municipality may pass by-laws,

Inspection
by muni-
cipalities
and local
boards

(*a*) for charging fees for the inspections and fixing the amount of the fees;

(*b*) for requiring the production of plans of the plumbing to be constructed, repaired, renewed or altered and of the location of drains,

pipes,

pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered.

R.S.O. 1960, c. 281, amended **7.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Commission
as agent
for munici-
palities

R.S.O. 1960,
c. 81
1953-54,
c. 23 (Can.)

51. Notwithstanding *The Crown Agency Act*, where a sewage works is constructed with the assistance of a loan made under Part VIB of the *National Housing Act, 1954* (Canada), the Commission, in addition to exercising its powers as an agent of Her Majesty, may exercise its powers under this Act in connection with such sewage works as an agent of one or more municipalities.

Commence-
ment

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1961.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960-61*.

CHAPTER 72

An Act respecting Ophthalmic Dispensers

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Ophthalmic Dispensers under this Act;
- (b) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (c) "ophthalmic dispenser" means a person registered under this Act;
- (d) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;
- (e) "registrar" means the registrar of the Board;
- (f) "regulations" means the regulations made under this Act.

Appoint-
ment of
Board

2.—(1) The Lieutenant Governor in Council may appoint a board consisting of not fewer than five members to be known as the Board of Ophthalmic Dispensers.

Term of
office

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Election
of Board

3.—(1) Notwithstanding section 2, the Lieutenant Governor in Council may prescribe the constitution of the Board and provide for the election of its members by and from ophthalmic dispensers on a geographical basis or otherwise.

Repeal
of s. 2

(2) As soon as the Board has been elected under this section, section 2 shall be deemed to be repealed.

Officers

4. The chairman, vice-chairman and secretary-treasurer of the Board shall be elected by the members of the Board from among themselves.

Status and
function
of Board

5. The Board is a corporation and it shall administer and enforce this Act and the regulations.

By-laws

6. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and management of its property;
- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act;

- (f) all other matters reasonably necessary for carrying out the provisions of this Act.

7. Every applicant for registration as an ophthalmic dispenser who furnishes satisfactory evidence that he, Registration requirements

- (a) is over twenty-one years of age and is of good moral character; and

- (b) has either,

- (i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or

- (ii) completed at least three years satisfactory training and experience in ophthalmic dispensing, at least one of which three years was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist;

- (c) has passed the examinations of the Board; and

- (d) has paid the prescribed fee,

shall be registered as an ophthalmic dispenser.

8. Any person who has practised as an ophthalmic dispenser in Ontario for a period of at least three years and an ophthalmologist so certifies shall, if he applies within one year after this Act comes into force and pays the prescribed fee, be registered as an ophthalmic dispenser. Present practitioners

9. The Board shall register every optician licensed under *The Optometry Act* when this Act comes into force, upon payment of the prescribed fee. Licensed opticians R.S.O. 1960, c. 283

10.—(1) The registrar shall keep a register of all ophthalmic dispensers, showing their places of business or employment from time to time. Register

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the register and shall issue a certificate of registration to the applicant. Idem

Idem

(3) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment.

Renewal of certificate

11. Every certificate of registration shall be renewed annually at such times and upon such conditions and the payment of such fee as are prescribed by the regulations.

Use of "optician", etc.

12. No person, other than an ophthalmic dispenser, shall assume or use the title "optician" or "ophthalmic dispenser".

Un-authorized practice prohibited

13. Except as otherwise provided in this Act, no person, other than an ophthalmic dispenser, shall,

(a) practise ophthalmic dispensing;

(b) prepare or dispense prescriptions of legally qualified medical practitioners or optometrists for ophthalmic appliances; or

(c) offer for sale or sell ophthalmic appliances.

Where prescription required, exception

14. No ophthalmic dispenser shall supply or dispense an ophthalmic appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but an ophthalmic dispenser may supply and dispense duplications, replacements, reproductions or repetitions of any ophthalmic appliance.

Suspension and revocation of certificate

15.—(1) The Board may by order suspend or revoke the certificate of registration of any ophthalmic dispenser whom it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with his practice of ophthalmic dispensing.

Public hearing

(2) Before suspending or revoking the certificate of registration of an ophthalmic dispenser under subsection 1, the Board shall, by notice in writing, advise him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may review at any time any order made under this section and may make such further order as it deems proper.

(4) A copy of any order made under this section shall be served on the person affected. Service of order

16.—(1) Any person affected by an order made under section 15 may appeal therefrom to a judge of the county or district court of the county or district in which he practises. Appeal

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy thereof with the clerk of the court and serving a copy thereof on the registrar. Notice of appeal

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed. Date of hearing

(4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel. Appearances

(5) The hearing of the appeal shall be a trial *de novo* and the judge may hear all such evidence as he deems to be relevant, and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. Trial de novo

17. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. Offences

18. All fines recovered for offences against this Act shall be paid to the registrar for the use of the Board. Disposition of fines

19. Nothing in this Act applies to a legally qualified medical practitioner or an optometrist. Saving as to physicians and optometrists

20. Nothing in this Act prevents, Saving as to certain practices

- (a) the practice of ophthalmic dispensing by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if an ophthalmic dispenser is in charge of the practice or of the optical department; or
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Prices, etc.,
not to be
controlled

21. Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for ophthalmic appliances or the terms upon which the charges or fees may be paid.

Regulations

22. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to schools of ophthalmic dispensing and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as ophthalmic dispensers who are in attendance at or graduates of schools of ophthalmic dispensing;
- (c) governing the registration of candidates for registration as ophthalmic dispensers and the suspension and cancellation of the registration of ophthalmic dispensers and the issue and renewal of certificates of registration;
- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration as ophthalmic dispensers and for the registration thereof and for the renewal of certificates of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Ophthalmic Dispensers Act, 1960-61*.

CHAPTER 73

An Act to amend The Optometry Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Optometry Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 283, s. 1,
amended

(aa) “dispense” includes the taking of facial measurements, or supplying or adjusting or in any way fitting to the face any ophthalmic lens or lenses, contact lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

(2) Clause *c* of the said section 1 is repealed.

R.S.O. 1960,
c. 283, s. 1,
cl. *c*,
repealed

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 283, s. 1,
cl. *e*,
re-enacted

(e) “optometry” means the measurement of or the attempt to measure by any means, other than by the use of drugs, the refractive or muscular condition of the eye, the prescribing or dispensing of any ophthalmic lens or lenses or contact lenses or the prescribing or dispensing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Optometry Act* is amended by striking out “or opticians” in the third line, so that the clause shall read as follows: R.S.O. 1960
c. 283, s. 3,
subs. 1, cl. *a*,
amended

(a) providing for a course of instruction in any technical school or other institution in Ontario for the training of persons to become optometrists.

R.S.O. 1960,
c. 283, s. 3,
subs. 1, cl. h,
amended

(2) Clause *h* of subsection 1 of the said section 3 is amended by striking out "disgraceful" in the first line and inserting in lieu thereof "unprofessional", so that the clause shall read as follows:

(*h*) defining unprofessional conduct for the purposes of this Act.

R.S.O. 1960,
c. 283, s. 4,
amended

3. Section 4 of *The Optometry Act* is amended by striking out "or optician" in the fourth line, so that the section shall read as follows:

Register

4. The Board shall provide a register which shall be kept by the secretary and in which shall be entered the name, address and qualification of every person registered as an optometrist in Ontario and every person who is the holder of a certificate of exemption.

R.S.O. 1960,
c. 283, s. 5,
amended

4. Section 5 of *The Optometry Act* is amended by striking out "or optician" in the seventh and eighth lines, so that the section shall read as follows:

Admission
to
registration

5. Every person who files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications as an optometrist, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration.

R.S.O. 1960,
c. 283, s. 6,
cl. a,
amended

5. Clause *a* of section 6 of *The Optometry Act* is amended by striking out "or optician" in the second line, so that the clause shall read as follows:

(*a*) on the 8th day of April, 1936, was carrying on business as an optometrist in Ontario.

R.S.O. 1960,
c. 283, s. 7,
subs. 1,
amended

6. Subsection 1 of section 7 of *The Optometry Act* is amended by striking out "disgraceful" in the third line and inserting in lieu thereof "unprofessional" and by striking out "or as an optician" in the fifth line, so that the subsection shall read as follows:

Suspension,
revocation

(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of unprofessional con-

duct

duct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry by such person.

7.—(1) Subsection 1 of section 8 of *The Optometry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 283, s. 8,
subs. 1,
re-enacted

- (1) Every person, not being the holder of a certificate under this Act or whose certificate is for the time being suspended or has been revoked, who practises optometry or appends to his name the term "optometrist" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is, or is recognized by law as, an optometrist, or that he is registered or possesses a certificate as an optometrist under this Act is guilty of an offence.

Offences

(2) Subsection 3 of the said section 8 is amended by striking out "\$10" in the third line and inserting in lieu thereof "\$25" and by striking out "\$25" in the fourth line and inserting in lieu thereof "\$50", so that the subsection shall read as follows:

R.S.O. 1960,
c. 283, s. 8,
subs. 3,
amended

- (3) Every person who is guilty of an offence under this Act is on summary conviction liable for a first offence to a fine of not less than \$25 and not more than \$100 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500.

Penalties

(3) The said section 8 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 283, s. 8,
amended

- (4) All fines recovered for offences against this Act or the regulations shall be paid to the Board.

Disposition
of fines

8. Subsection 1 of section 9 of *The Optometry Act* is amended by striking out "and opticians" in the sixth and seventh lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 283, s. 9,
subs. 1,
amended

- (1) The Board may enter into agreements and arrangements with any recognized university in Ontario for the establishment of a faculty school and may make agreements and arrangements with schools and other educational institutions for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists and may establish and carry on its own schools of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary.

Schools of
instruction

R.S.O. 1960,
c. 283, s. 10,
subs. 1,
amended

9. Subsection 1 of section 10 of *The Optometry Act* is amended by inserting after "practitioner" in the second line "or to an ophthalmic dispenser", so that the subsection shall read as follows:

Exemption
from
operation
of Act

(1) Nothing in this Act applies to a duly qualified medical practitioner or to an ophthalmic dispenser or to any person, firm or corporation carrying on business in Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Optometry Amendment Act, 1960-61*.

CHAPTER 74

An Act to amend The Petty Trespass Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Petty Trespass Act* is amended by striking out "\$1" and "\$10" in the eleventh line and inserting in lieu thereof "\$10" and "\$100", respectively, so that the subsection shall read as follows:

(1) Every person who unlawfully enters or in any other way trespasses upon another person's land,

Offence
of petty
trespass

(a) that is enclosed;

(b) that is a garden or lawn; or

(c) with respect to which he has had notice by word of mouth, or in writing, or by posters or sign boards so placed as to be visible from every point of access to the land, not to trespass,

and whether or not any damage has been occasioned thereby, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100.

2. This Act may be cited as *The Petty Trespass Amendment Act, 1960-61*.

Short title

CHAPTER 75

**An Act respecting the Northern Boundary of
Lot D, East of the Cataraqui River in the
Township of Pittsburgh, formerly in
the Township of Kingston**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby declared that,

- (a) the northern boundary of Lot D, east of the Cataraqui River in the Township of Pittsburgh, formerly in the Township of Kingston, in the County of Frontenac, is and always has been that part of the southern boundary of the Township of Kingston, as it existed in 1831, lying between the eastern bank of the Cataraqui River and the southeastern corner of the Township of Kingston as re-surveyed by Publius V. Elmore, D.P.S., in the year 1831 and as shown on his plan dated in the year 1831 and in the field notes thereof and which plan is recorded in the office of the Surveyor General at Toronto as No. B17; Northern boundary Lot D, east of Cataraqui River, Township of Pittsburgh
- (b) the original road allowance adjoining the front of the fourth concession of the Township of Kingston does not and never did extend easterly of the Cataraqui River; and Road allowance
- (c) the northern boundary of the lands granted to Mary Crawford by letters patent dated the 24th day of May, 1798, is and always has been the northern boundary mentioned in clause *a*. Letters patent

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Pittsburgh Township Boundary Act, 1960-61*. Short title

CHAPTER 76

An Act to amend The Planning Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 26,
re-enacted

26.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

Areas of
subdivision
control

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or
- (d) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(e)

(e) the consent,

(i) of the planning board of the planning area in which the land lies, or

(ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or

(iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

Designation
of plans of
subdivision
not deemed
registered

(2) The council may in the by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 1.

Part-lot
control

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(a) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the part of the lot or block that is being conveyed or otherwise dealt with; or

(b) the part of the lot or block or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(c)

(c) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

- (4) An agreement, conveyance, mortgage or charge made in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into, subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance contrary to section not to convey interest in land
- (5) A by-law passed under this section is not effective until the requirements of subsections 6 to 11 have been complied with. When by-law effective
- (6) Two certified copies of every by-law passed under this section shall be lodged by the clerk of the municipality in the office of the Minister, where they shall be available for public inspection during office hours. Copies of by-law to be lodged with Minister
- (7) A certified copy of every by-law passed under this section affecting land under *The Registry Act* shall be registered by the clerk of the municipality in the proper registry office, where it shall be made available to the public as a production. Registration, under R.S.O. 1960, c. 348
- (8) A certified copy of every by-law passed under subsection 1 affecting land under *The Land Titles Act* shall be deposited by the clerk of the municipality in the proper land titles office, where it shall be made available to the public for inspection. under R.S.O. 1960, c. 204
- (9) A certified copy of every by-law passed under subsection 3 or of every by-law containing a provision authorized by subsection 2, and affecting land within a plan of subdivision registered under *The Land*

Titles Act, shall be registered by the clerk of the municipality in the proper land titles office against each parcel of land affected by the by-law.

Notice
where plan
not deemed
registered

- (10) Where a by-law contains a provision authorized by subsection 2, the clerk of the municipality shall send notice of the passing of the by-law by registered mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan or part thereof to which the provision applies.

Notice
where
by-law
passed under
subs. 3

- (11) Where a by-law has been passed under subsection 3, the clerk of the municipality shall send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies.

Alteration or
dissolution
of area

- (12) When an area is designated as an area of subdivision control under subsection 1, it shall not be altered or dissolved without the approval of the Minister.

Matters
to be
regarded in
determining
consent,
conditions

- (13) A planning board and the Minister in determining whether a consent is to be given under this section shall have regard to the matters that are to be had regard to under subsection 4 of section 28 in considering a draft plan of subdivision and may impose such conditions as it or he considers necessary to ensure that such matters are effectively provided for and maintained and, in addition, may require that any or all of such conditions be fulfilled prior to the granting of a consent.

Appeal to
Municipal
Board

- (14) Where, on an application to a planning board for a consent under this section, the consent is refused or is given subject to one or more conditions or where the planning board refuses or neglects to make a decision on the application within sixty days after the receipt by the planning board of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and make such disposition thereof as to it may seem proper, but the Municipal Board does not have power to rescind a consent that has been given by a planning board but may vary or rescind any condition that has been imposed on the granting of a consent.

Conveyance
not in
contraven-
tion if
consent
given

- (15) An agreement, conveyance, mortgage or charge is not in contravention of this section if a consent has been given, although such consent is subject to a

condition

condition that has not been complied with at the time such agreement, conveyance, mortgage or charge is made.

(2) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Effect on conveyances heretofore made
R.S.O. 1960, c. 296

(3) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force are not affected by section 26, as re-enacted by subsection 1, except as otherwise expressly provided in subsection 2.

Effect on existing by-laws
R.S.O. 1960, c. 296

(4) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force affecting lands under *The Land Titles Act* shall be deposited or registered, as the case may be, as provided for in subsections 8 and 9 of section 26 of *The Planning Act*, as re-enacted by subsection 1, not later than the 1st day of October, 1961, and thereafter, if not so deposited or registered, they shall be deemed to have been repealed as of that date.

Registration of existing by-laws
R.S.O. 1960, cc. 296, 204

2.—(1) Subsection 5 of section 27 of *The Planning Act* is amended by striking out "this section" in the second line and inserting in lieu thereof "clause *a* of subsection 1", so that the subsection shall read as follows:

R.S.O. 1960, c. 296, s. 27, subs. 5 amended

(5) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

(2) The said section 27 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 27, amended

(6) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 26.

Effect of land use order

3. Section 30 of *The Planning Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 296, s. 30, amended

Public
hearing

(11a) Except as provided in subsections 11b and 11c, the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board.

Notice to
provide for
filing of
objections

(11b) Upon any application, the Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Dispensing
with public
hearing

(11c) Where notice has been given under subsection 11b, the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board deems the objection or, if more than one, all the objections to be insufficient to require a public hearing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1960-61*.

CHAPTER 77

An Act to amend The Police Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 298,
amended

PART IV-A

EMERGENCY POLICE

45a. In this Part,

Interpre-
tation

(a) "emergency" means,

- (i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War Measures Act* (Canada), or R.S.C. 1952,
c. 288
- (ii) a natural emergency declared to exist under section 45b;

(b) "member" includes an auxiliary member.

45b. A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates. Declaration
of natural
emergency

45c.—(1) An authority empowered by this Act to appoint members of a police force may appoint a number of auxiliary members not exceeding the number of other members of the force. Appointment
of auxiliary
police

(2) Where an emergency exists, each auxiliary member of every police force having jurisdiction in the area in which the emergency exists becomes a constable and has authority to act as a constable of the police force. Authority

Duty of
Com-
missioner

45*d*. Where an emergency exists, the Commissioner has general command and control of all police forces and the members thereof.

Resignations
R.S.C. 1952,
c. 184

45*e*. Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a police force having jurisdiction in the area in which the emergency exists shall resign without the consent of the Commissioner.

Agreements
for addi-
tional police
services

45*f*. Where an emergency exists, the Attorney General may make agreements with the Crown in right of Canada or of any other province or any agency thereof for the provision of additional police services and, upon the agreement being made, all peace officers to whom the agreement relates are authorized to act as constables in the area in which the emergency exists.

Short title

2. This Act may be cited as *The Police Amendment Act, 1960-61*.

CHAPTER 78

An Act to amend The Power Commission Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 48 of *The Power Commission Act* R.S.O. 1960, c. 300, s. 48, subs. 7, re-enacted is repealed and the following substituted therefor:

(7) Subject to subsections 7a and 7b, the payments received under subsections 2, 3, 4 and 5 shall be credited by the municipal corporation to its general fund. Distribution of payments, municipal portion

(7a) The portion of the payments received under subsections 2, 3, 4 and 5 that is attributable to levies for county purposes shall be paid by the municipal corporation to the county that would have been entitled thereto if the land had been assessed and taxed in the usual way. Idem, county portion

(7b) The portion of the payments received under subsection 2 in respect of dwelling houses, including farm properties, rented by the Commission to other persons that is attributable to levies for elementary or secondary school purposes, shall be paid by the municipal corporation to the school boards that would have been entitled thereto if the land had been assessed and taxed in the usual way, and for the purposes of this subsection the tenants of such dwelling houses and farm properties shall be deemed to be rated as tenants on the assessment roll of the municipality. Idem, elementary or secondary school portion

(7c) The valuations made under this section shall be used for the purpose of computing county rates, school rates and legislative grants in all respects as though the properties valued were not exempt from taxation for such purposes. Use of valuations for computing rates

(7d)

Pupil's
status

(7d) Where a school board is entitled to a payment under subsection 7b with respect to the property in which a pupil resides with his parent or guardian, any child whose parent or guardian is the tenant of the property shall be deemed to be a resident pupil under the jurisdiction of such school board.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Short title

3. This Act may be cited as *The Power Commission Amendment Act, 1960-61*.

CHAPTER 79

An Act to amend The Provincial Parks Act

*Assented to January 27th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Provincial Parks Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 314, amended

3a. The Lieutenant Governor in Council may designate any provincial park or any part of a provincial park as an area in which section 11 of *The Game and Fisheries Act* does not apply from and including the Tuesday following the second Monday in October to and including the 31st day of March next following. Hunting in designated provincial parks R.S.O. 1960, c. 158

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10a.—(1) Any lost, mislaid or abandoned property coming into the custody of the district forester, superintendent or other person in charge of a provincial park and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed. Lost, mislaid or abandoned property

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that he was the owner of property sold under subsection 1, the Minister may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. Idem

2. Section 11 of *The Provincial Parks Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 314, s. 11, amended

(2) No person who has knowledge of the closing of a road or trail under subsection 1 shall travel thereon. Prohibition against travel on closed road

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Provincial Parks Amendment Act, 1960-61*.

CHAPTER 80

An Act to amend The Public Health Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 and sections 79 and 80 of *The Public Health Act* are repealed.

R.S.O. 1960,
c. 321, s. 1,
cl. *d*;
ss. 79, 80,
repealed

2. *The Public Health Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 321,
amended

119*a*. The Lieutenant Governor in Council may appoint one or more provincial analysts for the purposes of this and every other Act in which a provincial analyst is mentioned.

Provincial
analysts

3. Schedule C to *The Public Health Act* is repealed.

R.S.O. 1960,
c. 321,
Sched. C
repealed

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Public Health Amendment Act, 1960-61*.

Short title

CHAPTER 81

An Act to amend The Public Lands Act

*Assented to March 29th, 1961**Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 17 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 324, s. 17, subs. 1, re-enacted

(1) The Lieutenant Governor in Council may make Regulations re sale of public lands regulations prohibiting or regulating and controlling the sale of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices and terms and conditions of sale.

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960, c. 324, s. 17, amended

(3a) Where public lands offered for sale by tender or auction are not disposed of, the Minister may at any time thereafter sell any such lands at a price not less than the minimum price fixed by the terms of the offer for sale by tender or auction and upon such terms and conditions as he deems proper. Subsequent sale

2. *The Public Lands Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 324, amended

27a. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water is guilty of an offence and upon summary conviction is liable to a fine of not more than \$500. Penalty for unauthorized filling in, etc., of public lands

27b.—(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, Un-authorized occupation, etc., of posted public lands

- (a) the possession, occupation or use thereof; or
- (b) the parking of vehicles thereon.

Offence

- (2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause *a* of subsection 1 or who parks a vehicle on public lands on which signs have been erected under clause *b* of subsection 1 and who has had a reasonable opportunity of seeing one or more of such signs is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

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Beach
management
agreements

- 43a. The Minister and any municipality may enter into agreements respecting the control and management by the municipality of any public lands comprised of beaches or lands covered with water in the municipality or elsewhere, but, where the public lands are in another municipality, no agreement shall be entered into without the consent of that municipality, and any such agreement may provide for the granting of leases by the municipality and the sharing of the rents therefrom.

Public
Agricultural
Lands
Committee

- 43b.—(1) There shall be a committee to be known as the Public Agricultural Lands Committee consisting of a chairman and such member or members as the Minister deems appropriate.

Appointment

- (2) Subject to the approval of the Lieutenant Governor in Council, the chairman and members of the Committee shall be appointed by the Minister.

Duty

- (3) It is the duty of the Committee,
 - (a) to recommend to the Minister areas of lands that are suitable for sale or other disposition for agricultural purposes and measures for the development of such areas;
 - (b) to consider applications to acquire lands for agricultural purposes in any such area and all matters relevant thereto and to make recommendations to the Minister with respect thereto.

Sale, etc.,
of lands
for agri-
cultural
purposes

- (4) After having considered the recommendations of the Committee with respect thereto, the Minister may,

(a)

- (a) designate areas of lands that are suitable for sale or other disposition for agricultural purposes; and
- (b) enter into agreements for the sale or other disposition of such lands for agricultural purposes to such persons, at such prices or rentals and subject to such terms and conditions as he determines.

- (5) Every agreement, licence and letters patent for land ^{Letters patent qualified} sold or otherwise disposed of under this section shall contain a condition that the land is to be used for agricultural purposes.

- 43c. Lands may be acquired under *The Public Works Act* ^{Acquisition of lands} for any forestry, agricultural or other programme of the Department, and any lands so acquired shall be ^{R.S.O. 1960, c. 338} deemed to be public lands within the meaning of this Act.

3. Sections 44 to 61 of *The Public Lands Act* are repealed ^{R.S.O. 1960, c. 324, ss. 44-61, repealed} except in respect of any sale or free grant of public lands for agricultural purposes made before the coming into force of this Act.

4. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

5. This Act may be cited as *The Public Lands Amendment Act, 1960-61*. ^{Short title}

CHAPTER 82

An Act to amend The Public Schools Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Public Schools Act* is ^{R.S.O. 1960, c. 330, s. 6, subs. 1, amended} amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

(1) In this section,

Rights of admission:

- (a) "gross cost per pupil per day" shall be deter- ^{gross cost}mined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;
- (b) "net cost per pupil per day" shall be deter- ^{net cost}mined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

R.S.O. 1960,
c. 330, s. 11,
subs. 3,
re-enacted

2.—(1) Subsection 3 of section 11 of *The Public Schools Act* is repealed and the following substituted therefor:

Area of
school
sections

(3) Subject to subsection 3*a*, no school section in a township shall contain less than 2,500 acres.

Idem

(3*a*) A school section may be formed in any year containing not less than 1,000 acres or consisting of an island or islands,

(*a*) where bodies of water or other physical features would make parts of the proposed school section inconvenient for school purposes; or

(*b*) where the proposed section contains forty or more children recorded by the assessor in the census taken by him in the preceding year who are five years of age and up to and including fifteen years of age residing with their parents or guardians in the proposed school section.

R.S.O. 1960,
c. 330, s. 11,
subs. 4,
amended

(2) Subsection 4 of the said section 11 is amended by striking out "school population between the ages of five and twenty-one years of" in the tenth and eleventh lines and inserting in lieu thereof "number of children who are five years of age and up to and including fifteen years of age resident in", so that the subsection shall read as follows:

Township
clerk to
prepare
maps of
school
sections

(4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk for the use of the county council, one to the public school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector, on request, information in writing of the acreage, the assessed value, the rate for school purposes and the number of children who are five years of age and up to and including fifteen years of age resident in each section or part of a union section within the township.

R.S.O. 1960,
c. 330, s. 29,
subs. 3,
re-enacted

3. Subsection 3 of section 29 of *The Public Schools Act* is repealed and the following substituted therefor:

Change in
number of
trustees

(3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, at

the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

4. Subsection 3 of section 31 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 31,
subs. 3,
re-enacted

- (3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

Election
of new
board after
change

5.—(1) Subsection 1 of section 55 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 55,
subs. 1,
re-enacted

- (1) Except in the case of union school sections established under section 46,
- (a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least ten,

Maintenance
of union
school
section,
apportion-
ment of
costs

and in any case,

- (c) in each year that is divisible evenly by 5,

the assessors of the municipalities in which such a union section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities in which

the

the section lies, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

R.S.O. 1960,
c. 330, s. 55,
amended

(2) The said section 55 is amended by adding thereto the following subsection:

Levy for
transporta-
tion costs
for high
school
pupils
resident in
part of
school
section
not in high
school
district

- (11) Where a part of a union school section or a township school area in a municipality is also in a high school district, and another part of the union school section or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or township school area may furnish transportation for secondary school pupils whose parents or guardians are public school supporters and who reside in the part of the union school section or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or township school area.

R.S.O. 1960,
c. 330, s. 61,
subs. 1,
amended

6. Subsection 1 of section 61 of *The Public Schools Act* is amended by striking out "to the collector at the rate of not less than 5 per cent and" in the fifth and sixth lines and inserting in lieu thereof "the collector at the rate of", so that the subsection shall read as follows:

Appointment
and duties
of school
collector

- (1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the rate-payers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

R.S.O. 1960,
c. 330, s. 73,
re-enacted

7. Section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

School rate
where no
public school
in
municipality

73. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property

of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality.

8. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 330,
amended

73a.—(1) The moneys raised under section 73 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund. Reserve
fund for
public
school
purposes

R.S.O. 1960,
c. 408

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. Application
of fund

9.—(1) This Act, except section 1, subsection 2 of section 5 and section 7, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1961. Idem

(3) Subsection 2 of section 5 and section 7 come into force on the 1st day of January, 1962. Idem

10. This Act may be cited as *The Public Schools Amendment Act, 1960-61*. Short title

CHAPTER 83

An Act to amend The Public Service Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 3 of section 2 of *The Public Service Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 331, s. 2, subs. 3, cl. *d*, re-enacted

(*d*) provide, assist in or co-ordinate staff development programmes.

2. Sections 5, 6 and 7 of *The Public Service Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 331, ss. 5, 6, re-enacted; s. 7, repealed

5.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where the deputy minister so requests in writing, he may be re-appointed for a period not exceeding one year at a time until he attains the age of seventy years. Age of retirement

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years. Exception

6.—(1) The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. Appointment of super-annuates and annuitants R.S.O. 1960, c. 332

Idem

- (2) Where a person is appointed under subsection 1, his superannuation allowance or annuity shall not be suspended or recalculated by reason of such appointment.

R.S.O. 1960,
c. 331, s. 10,
cl. *m*,
amended

3. Clause *m* of section 10 of *The Public Service Act* is amended by inserting after "Commission" in the first line "to constitute a committee" and by striking out "Commission" in the fourth line and inserting in lieu thereof "committee", so that the clause shall read as follows:

- (*m*) authorizing the Commission to constitute a committee to hear and deal with such grievances as are prescribed of classes of persons designated under clause *l* and prescribing the powers of the committee for the purpose.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Service Amendment Act, 1960-61*.

CHAPTER 84

**An Act to amend
The Public Service Superannuation Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Public Service Superannuation Act* is repealed. R.S.O. 1960,
c. 332, s. 1,
cl. *g*,
repealed

2. *The Public Service Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 332,
amended

1a. The Treasurer is responsible for the administration of this Act. Respon-
sibility of
Treasurer

3. Section 3 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 3,
re-enacted

3. It is the function of the Board to make recommendations to the Treasurer with respect to matters under this Act and the amounts of allowances and annuities to which persons are entitled under this Act and to perform such other duties as are assigned to it by this Act or by the Treasurer. Functions
of Board

4. Subsections 2 and 3 of section 11 of *The Public Service Superannuation Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 11,
subs. 2,
re-enacted;
subs. 3,
repealed

(2) In no case shall the amount of an annual superannuation or disability allowance be less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. Minimum
allowances

5.—(1) Subsection 1 of section 12 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 12,
subs. 1,
re-enacted

Deferred annuities

- (1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity commencing when he is sixty years of age.

R.S.O. 1960, c. 332, s. 12, subs. 5, repealed

- (2) Subsection 5 of the said section 12 is repealed.

R.S.O. 1960, c. 332, s. 16, re-enacted

6. Section 16 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Re-employment of super-annuities and annuitants
R.S.O. 1960, c. 331

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance or an annuity is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which he contributes under this Part shall be added to the period of his prior employment and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

R.S.O. 1960, c. 332, s. 18, cl. a, amended

7. Clause *a* of section 18 of *The Public Service Superannuation Act* is amended by striking out "is retired by the Lieutenant Governor in Council in circumstances under which he" in the first and second lines and inserting in lieu thereof "but", so that the clause shall read as follows:

- (a) has attained retiring age but is not entitled to a superannuation allowance or annuity; or

.

R.S.O. 1960, c. 332, s. 20, amended

8. Section 20 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Commencement

- (5) An allowance under this section shall commence on the first day of the month next following the month during which the entitlement thereto occurred.

R.S.O. 1960, c. 332, amended

9. *The Public Service Superannuation Act* is amended by adding thereto the following section:

Cessation of allowances and annuities

- 21a. Except as otherwise provided in this Act, an allowance or annuity shall cease on the last day of the month during which the entitlement thereto ceases.

R.S.O. 1960, c. 332, s. 24, amended

10. Section 24 of *The Public Service Superannuation Act* is amended by adding at the end thereof "and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court", so that the section shall read as follows:

24. This Part applies to every full-time magistrate and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court. Application of Act to magistrates etc.

11. Subsection 3 of section 26 of *The Public Service Superannuation Act* is amended by inserting after "annum" in the fifth line "compounded annually", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 26, subs. 3, amended

- (3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of $4\frac{3}{4}$ per cent per annum, compounded annually, shall be transferred to the Teachers' Superannuation Fund. Contributors becoming teachers R.S.O. 1960, c. 392

12. Section 27 of *The Public Service Superannuation Act* is amended by striking out "or commission" in the second line and inserting in lieu thereof "commission or foundation", so that the section shall read as follows: R.S.O. 1960, c. 332, s. 27, amended

27. This Part applies to the permanent staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. Boards, commissions

13.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act* is amended by inserting after "Canada" in the second line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 1, amended

- (1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be. Arrangement for payment, out of Fund into another superannuation fund

(2) Subsection 2 of the said section 28 is amended by inserting after "Canada" in the first line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 2, amended

into Fund
out of
another
superannua-
tion fund

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

R.S.O. 1960,
c. 332, s. 28,
amended

- (3) The said section 28 is amended by adding thereto the following subsection:

Agreements
authorized

- (3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1960,
c. 332, s. 29,
amended

- 14.** Section 29 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Transfer
of interest

- (5) Such part of the accumulated interest in the Public Service Retirement Fund as the Lieutenant Governor in Council approves may be transferred from time to time to the Public Service Superannuation Fund.

R.S.O. 1960,
c. 332, s. 32,
amended

- 15.** Section 32 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,
c. 392

- (2) Where a former contributor under this Part is employed within the meaning of *The Teachers' Superannuation Act*, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Teachers' Superannuation Fund together with interest thereon at the rate of 3 per cent per annum.

R.S.O. 1960,
c. 332, s. 36,
repealed

- 16.** Section 36 of *The Public Service Superannuation Act* is repealed.

R.S.O. 1960,
c. 332, s. 40,
subs. 1,
amended

- 17.**—(1) Subsection 1 of section 40 of *The Public Service Superannuation Act* is amended by striking out "Minister"

where

where it occurs the first and second times respectively in the second line and inserting in lieu thereof "Treasurer", so that the subsection shall read as follows:

- (1) The Board shall make a report annually to the Treasurer containing such information as the ^{Annual report} Treasurer requires.

- (2) Subsection 2 of the said section 40 is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 332, s. 40, subs. 2, re-enacted}

- (2) The Treasurer shall submit the report to the ^{Idem} Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

18. Section 42 of *The Public Service Superannuation Act* is ^{R.S.O. 1960, c. 332, s. 42, amended} amended by striking out "The Board, subject to the approval of" in the first line, so that the section, exclusive of the clauses, shall read as follows:

42. The Lieutenant Governor in Council may make ^{Regulations} regulations,

.

19.—(1) The amount of every annual allowance that is ^{Certain allowances increased} being paid on the day this Act comes into force that is less than the minimum amount provided in *The Public Service Superannuation Act* on that day shall be increased to the minimum amount so provided.

(2) The expenditure required for the purpose of sub-^{Expenditure out of} section 1 shall be paid out of the Consolidated Revenue ^{C.R.F.} Fund.

20. This Act comes into force on the 1st day of April, 1961. ^{Commence-ment}

21. This Act may be cited as *The Public Service Super-^{Short title} annuation Amendment Act, 1960-61.*

CHAPTER 85

An Act to amend The Public Utilities Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The heading to section 64 of *The Public Utilities Act* is amended by inserting after “Railways” “Bus Transportation Systems”, so that the heading shall read as follows: R.S.O. 1960, c. 335, s. 64, heading, amended

COMMISSION FOR RAILWAYS, BUS TRANSPORTATION
SYSTEMS AND TELEPHONES

(2) Clause *a* of the said section 64 is repealed and the following substituted therefor: R.S.O. 1960, c. 335, s. 64, cl. *a*, re-enacted

(*a*) a railway, an electric railway, a street railway, an incline railway or a bus transportation system; or

.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1960-61*. Short title

CHAPTER 86

An Act to amend The Railway Fire Charge Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Railway Fire Charge Act* is amended by adding at the end thereof "but does not include a licensee under *The Crown Timber Act*", so that the clause shall read as follows: R.S.O. 1960,
c. 343, s. 1,
cl. *d*,
amended

(*d*) "tenant" includes a licensee and occupant and any person, other than the owner, having any right to cut timber on railway lands whether the right is derived from the owner or otherwise, but does not include a licensee under *The Crown Timber Act*. R.S.O. 1960,
c. 83

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Railway Fire Charge Amendment Act, 1960-61*. Short title

CHAPTER 87

An Act to amend The Regulations Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Regulations Act* is amended by inserting after "under" in the fourth line "section 21 of", so that the subclause shall read as follows:

R.S.O. 1960,
c. 349, s. 1,
cl. *d*,
subcl. ii,
amended

(ii) a regulation made under *The Broker-Dealers Act*, 1947, c. 8; 1947, *The Teaching Profession Act*, section 76 of *The Cemeteries Act* or by an authority under section 21 of *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

R.S.O. 1960,
cc. 393, 47,
62, 322, 6

2. This Act may be cited as *The Regulations Amendment Act, 1960-61*.

Short title

CHAPTER 88

**An Act to amend
The Regulations Revision Act, 1959**

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Regulations Revision Act, 1959* is ^{1959, c. 90} repealed and the following substituted therefor: ^{s. 9, re-enacted}

9. Regulations in the Revised Regulations of Ontario, 1960 may be cited and referred to as "Revised Regulations of Ontario, 1960, Regulation ", ^{How regulations may be cited}
or the abbreviation "R.R.O. 1960, Reg. ",
adding in each case the number of the particular regulation.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Regulations Revision Amendment Act, 1960-61*. ^{Short title}

CHAPTER 89

**An Act to amend
The Research Foundation Act, 1944**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Research Foundation Act, 1944*, as re-enacted by section 2 of *The Research Foundation Amendment Act, 1955*, is repealed and the following substituted therefor: ^{s. 20, (1955, c. 73, s. 2).} re-enacted

20.—(1) The Foundation shall, after the close of each ^{Annual report} fiscal year, file with the member of the Executive Council who is responsible for the administration of this Act an annual report which shall include a financial statement, a description of the work of the Foundation during the previous year and such other information as the Lieutenant Governor in Council may require.

(2) The member of the Executive Council who is ^{Tabling} responsible for the administration of this Act shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Research Foundation* ^{Short title} *Amendment Act, 1960-61*.

CHAPTER 90

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For the purpose of reducing the school tax on residential and farm properties, a residential and farm school tax assistance grant may be paid in each year to each school board in Ontario on a per pupil basis according to the average daily attendance for the preceding year out of such moneys as may be appropriated therefor by the Legislature.

(2) Notwithstanding any general or special Act, the Lieutenant Governor in Council may make regulations for the purposes of this Act,

- (a) providing for the reduction of school taxes on residential and farm assessment having regard to the grants paid to school boards under this Act;
- (b) prescribing the method of determining rates applicable to residential and farm assessment and commercial assessment;
- (c) defining residential and farm assessment and commercial assessment;
- (d) requiring the levying of such rates on the whole of the assessment for real property and business assessment for public, separate and secondary school purposes;
- (e) providing for the determination of provincial equalizing factors;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

(3) Any regulation made under subsection 2 may be general or particular in its application or limited as to time of application or otherwise.

Effective
date of
regulations

(4) The Lieutenant Governor in Council may provide that any regulation made under this section shall be deemed to have come into force on the 1st day of January, 1961.

Regulations
to prevail

(5) In the event of conflict between any regulation made under this Act and any provision of any other general or special Act, the regulation prevails.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Residential and Farm School Tax Assistance Grants Act, 1960-61*.

CHAPTER 91

An Act to impose a Tax on Retail Sales

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "collector" means a person who collects taxes under this Act;
2. "Comptroller" means the Comptroller of Revenue;
3. "consumer" or "user" means a person who,
 - (a) utilizes or intends to utilize in Ontario tangible personal property for his own consumption or for the consumption of any other person at his expense, or
 - (b) utilizes or intends to utilize in Ontario tangible personal property on behalf of or as the agent for a principal who desired or desires to so utilize such property for consumption by the principal or by any person at the expense of the principal;
4. "consumption" includes the use, and the incorporation into any structure, building or fixture, of tangible personal property including that manufactured by the consumer or further processed or otherwise improved by him;
5. "fair value" includes,
 - (a) the price for which the tangible personal property was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations

accepted

accepted by the vendor or person from whom the property passed as the price or on account of the price of the property purchased,

(b) the cost of or charges for customs, excise and transportation, whether or not such are shown separately in the books of the vendor or on an invoice, and

(c) the cost of installation where the contract under which the property is acquired provides for the acquisition of the property and its installation for one consideration;

6. "food products" does not include spirituous, malt or vinous liquors, medicines, tonics and preparations in liquid, powdered, granular, tablet, capsule, lozenge or pill form sold as dietary supplements or adjuncts;

R.S.O. 1960,
cc. 191, 98

7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature;

8. "purchaser" means a consumer who acquires tangible personal property at a sale in Ontario for his own consumption or use, or for the consumption or use of other persons at his expense, on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use by such principal or other persons at his expense;

9. "regulations" means the regulations made under this Act;

10. "retail sale" means a sale to a purchaser for the purpose of consumption or use and not for resale;

11. "sale" means,

(a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property,

(b)

- (b) the production, fabrication, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, processing, printing or imprinting,
 - (c) the furnishing and distribution of tangible personal property for a consideration by social clubs or fraternal organizations to their members or others,
 - (d) the furnishing, preparation or service for a consideration of food, meals or drinks,
 - (e) a transaction whereby the possession of tangible personal property is transferred but the vendor retains the title as security for payment of the price,
 - (f) a transfer for a consideration of the title to or possession of tangible personal property that has been produced, fabricated, printed or imprinted to the order of the purchaser;
12. "storage" includes any keeping or retention in Ontario for any purpose except retail sale or subsequent use outside Ontario of tangible personal property purchased from a vendor, but does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
 13. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other way perceptible to the senses, and includes electricity, natural or manufactured gas and telephone services;
 14. "tax" includes all penalties and interest that are or may be added to a tax under this Act;
 15. "transfer of possession", "lease" or "rental" includes only transactions held by the Comptroller to be in lieu of a transfer of title, exchange or barter;

16. "Treasurer" means the Treasurer of Ontario;
17. "use" includes storage and the exercise of any right or power over tangible personal property incidental to the ownership of that property, but it does not include the sale of that property at a retail sale or the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario for use thereafter solely outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
18. "vendor" means a person who, in the ordinary course of his business in Ontario, sells tangible personal property to a purchaser in Ontario.

Tax on
purchaser

2.—(1) Every purchaser of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 3 per cent of the fair value thereof.

Fair value

(2) If the tangible personal property to be consumed or used is purchased at a retail sale in Ontario, the purchaser shall pay such tax computed on the fair value thereof at the time of the sale.

Idem

(3) If the tangible personal property is not purchased at a retail sale in Ontario, the consumer shall pay such tax computed on the fair value thereof in the manner following:

1. If the property is primarily intended for consumption by use only, at the time it is brought into Ontario.
2. If the property is primarily intended for consumption otherwise than by use only, at the time of consumption.

Determina-
tion of
fair value

(4) Where the Comptroller deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.

Payment of
tax on
delayed
delivery

(5) Every purchaser who, after the coming into force of this Act, takes delivery of any tangible personal property purchased by him prior to the coming into force of this Act

shall

shall pay to Her Majesty in right of Ontario a tax at the rate of 3 per cent of the purchase price of such tangible personal property.

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. ^{Refund of tax}

(7) Every person residing or ordinarily resident or carrying on business in Ontario, who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property. ^{Tangible personal property brought into or received in Ontario}

(8) The tax imposed by this Act shall be calculated separately on every purchase and shall be computed to the nearest cent, and every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent, but, where on the same occasion or as part of one transaction several items of tangible personal property are purchased, the total of the purchase shall be deemed to be one purchase for the purposes of this Act. ^{Calculation of tax}

(9) Where tangible personal property is accepted at the time of sale by the vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. ^{Tax on merchandise tendered in trade}

3.—(1) No vendor shall sell any tangible personal property in Ontario unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. ^{Vendor permits}

(2) Each such permit shall be issued by the Comptroller and shall be kept and conspicuously displayed at the place of business of the vendor for which the permit is issued and it is not transferable. ^{Permit}

Cancellation
or suspension
of permit

(3) The Comptroller may,

- (a) refuse to issue a permit to any vendor; or
- (b) suspend or cancel the permit of any vendor if such vendor or any of his employees contravenes any of the provisions of this Act,

but, before a refusal, suspension or cancellation is made, the vendor shall be afforded an opportunity to appear before the Treasurer to show cause why the issuance of a permit should not be refused or why the permit should not be suspended or cancelled, as the case may be.

Information

(4) Every application for a permit shall be made in the form prescribed by the Comptroller and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as is required, and the application shall be signed,

- (a) by the vendor, if a natural person;
- (b) in the case of an association or partnership, by a member or partner;
- (c) in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority.

Display of
permit

(5) A permit issued under subsection 2 is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein.

Term of
permit

(6) A permit remains in force so long as the place of business for which it is issued remains the place of business of the vendor or until suspended or cancelled, as the case may be.

Offence

(7) Every vendor who fails to comply with any provision of this section is guilty of an offence against this Act.

Sales in
bulk
R.S.O. 1960,
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Comptroller that all taxes collected by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate fur-

nished under subsection 1, and, if he fails to do so, he is responsible for payment to the Comptroller of all taxes collected by the person thus disposing of his stock through a sale in bulk.

5. The following classes of tangible personal property are **Exemptions** exempt from the tax imposed by this Act:

1. food products for human consumption off the premises where sold, except candies and other confections and soft drinks;
2. prepared meals consumed on the premises where sold at a price of \$1.50 or less;
3. gasoline taxed under *The Gasoline Tax Act*; R.S.O. 1960,
c. 162
4. gasoline used by farmers or commercial fishermen on which refunds of tax are entitled to be granted or have been granted under *The Gasoline Tax Act*;
5. fuel taxed under *The Motor Vehicle Fuel Tax Act*; R.S.O. 1960,
c. 248
6. fuel oil not taxed under *The Motor Vehicle Fuel Tax Act*;
7. coal;
8. coke;
9. wood;
10. natural gas and manufactured gas;
11. electricity for all purposes;
12. farm implements and repair parts, except electric storage batteries and tires when purchased separately;
13. farm machinery and repair parts, except electric storage batteries and tires when purchased separately;
14. oil-bearing seeds and seeds that will produce forage, cereal, fruit, root, vegetable and tobacco crops;
15. fertilizers, lime, insecticides, fungicides, herbicides, rodenticides and combinations thereof;
16. fodder grain, mill and other agricultural feeds, as defined by the Treasurer;
17. binder twine, baler twine, baler wire and barbed wire;
18. farm, hog and poultry fence, as defined by the Treasurer;

19. agricultural products, including live stock;
20. materials and equipment required for irrigation purposes and drainage tile for which the purchaser has a certificate, issued by an officer of the Department of Agriculture designated by the Minister of Agriculture for that purpose, certifying that such material, equipment or tile is required by the purchaser for agricultural purposes;
21. fruit trees;
22. shrubs;
23. plants;
24. aircraft, normally engaged as common carriers in foreign or interprovincial trade, and repairs thereto;
25. road-cleaning and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than \$1,000 per vehicle;
26. natural water, including ice and steam;
27. clay, sand, gravel and unfinished stone;
28. boats, fishing-nets and other fishing apparatus utilized in catching fish for human consumption, purchased by a *bona fide* commercial fisherman for use solely in his trade;
29. vessels of more than 500 tons gross;
30. drugs and medicines when sold on the prescription of a physician, dentist or veterinarian;
31. artificial limbs;
32. orthopaedic appliances;
33. equipment designed solely for the use of blind persons, cripples or chronic invalids;
34. hearing aids;
35. dentures;

36. dental appliances when sold on the prescription of a dentist;
37. optical appliances when sold on the prescription of an optometrist or physician;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, consumed or expended directly in the process of manufacture or production of tangible personal property for sale;
40. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale;
41. tangible personal property to be shipped by the vendor for delivery outside Ontario, including ships' stores delivered to commercial vessels of more than 500 tons gross that normally operate in extra-territorial waters;
42. tangible personal property, purchased at a price of less than 17 cents;
43. railway rolling stock and repairs thereto;
44. children's clothing and children's footwear as the Lieutenant Governor in Council may determine by regulation;
45. school text-books and classroom supplies, as defined by the Treasurer, when purchased by a school board;
46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, magazines, periodicals, books for drawing upon, or any books of the same general classes;
47. newspapers, however purchased;
48. magazines and periodicals when purchased by subscription for delivery by mail;

49. draft beer sold by the keg to the owners of licensed premises for resale by the glass on such premises;

50. draft beer sold by the glass on licensed premises;

51. food, liquor, beer or wine, the charge for which forms part of the price of admission charged a purchaser under *The Hospitals Tax Act* for admission to a place of entertainment under that Act;

52. long distance telephone charges and tolls.

R.S.O. 1960,
c. 178

Vendor to
be collector

6.—(1) Every vendor is an agent of the Treasurer and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

Idem

(2) No person acting under subsection 1 shall thus be made ineligible as a member of the Assembly.

Taxes
collected
at the time
of sale

7. The taxes imposed by this Act, whether the purchase price be stipulated to be payable in cash or on terms or by instalments or otherwise, shall be collected at the time of the sale on the whole amount of the purchase price and be remitted to the Treasurer at the times and in the manner prescribed by the regulations.

Accounting
by vendors

8. All taxes collected by a vendor under this Act shall be remitted to the Treasurer at the time or times and in such manner as are prescribed by the regulations.

Compensa-
tion to
vendors

9.—(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper.

Idem

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly.

Returns

10. Every vendor shall make returns to the Comptroller and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act.

Records of
manufac-
turers, etc.

11. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

12. Returns made and information given under this Act ^{Secrecy} shall be available only to persons authorized by the Treasurer and for the purposes of this Act.

13.—(1) When a vendor having sold tangible personal property fails to make a return or a remittance as required ^{Assessment of tax collected} under this Act or if his returns are not substantiated by his records, the Comptroller may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor.

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any vendor or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected by the vendor or payable by the purchaser in such manner and form and by such procedure as the Comptroller deems adequate and expedient, and the Comptroller shall assess the amount of the tax collected by the vendor or payable by the purchaser, as the case may be. ^{Assessment on inspection}

(3) The Comptroller may, at any time he considers reasonable, assess or re-assess any tax collectable by a vendor or any tax payable by a purchaser under this Act. ^{Assessment from time to time}

(4) Where the Comptroller has made an assessment under subsection 1, he may send by registered mail or by personal service a notice of the assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer or otherwise accounted for. ^{Notice of assessment under subs. 1}

(5) Proof that notice under subsection 4 has been mailed or served constitutes *prima facie* evidence that the amount stated therein is due and owing, and the onus of proving otherwise rests on the vendor. ^{Proof}

(6) The Comptroller shall send by registered mail a notice of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his last known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario. ^{Notice of assessment under subs. 2 or 3}

(7) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. ^{Continuation of liability for tax}

(8) The Comptroller is not bound by a return or information delivered by or on behalf of any person under this Act and ^{Comptroller not bound by returns}

may,

may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act.

Assessment
valid and
binding

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a re-assessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Payment

14.—(1) Every vendor or purchaser shall, within thirty days from the day of mailing of the notice of assessment under subsection 4 or 6 of section 13, pay any part of the assessed tax then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where in the opinion of the Comptroller a vendor or a purchaser is attempting to avoid payment of the tax imposed by this Act or where the Comptroller has assessed the tax payable under this Act pursuant to subsection 1, 2 or 3 of section 13, he may, notwithstanding subsection 4 or 6 of section 13, serve the notice of assessment upon the vendor or the purchaser, as the case may be, and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof, and the Comptroller may direct that all taxes as set out therein shall be paid forthwith.

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it has been collected, and, in the event of failure on the part of the vendor to collect the tax, he shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

Liability
for payment
of tax

16. Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and for the payment over of it in the manner and at the time provided under this Act and the regulations, and the amount, until paid, forms a lien and charge on the assets of his estate in the hands of any trustee, having priority over all other claims of any person.

Notice of
objection

17.—(1) Where a vendor or a purchaser objects to an assessment made under section 13, he may, within thirty days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served ^{Service} by being sent by registered mail addressed to the Comptroller.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider ^{Reconsideration} the assessment and vacate, confirm or vary the assessment or re-assess, and he shall thereupon notify the vendor or the purchaser, as the case may be, of his action by registered letter.

18.—(1) Where a person has served notice of objection ^{Appeal} under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after the Treasurer has confirmed or re-assessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under section 17 that the Treasurer has confirmed the assessment or re-assessed it.

(2) An appeal to the Supreme Court shall be instituted ^{Appeals, how instituted} by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

(3) A notice of appeal shall be served on the Treasurer by ^{Service} being sent by registered mail addressed to the Comptroller.

(4) The person appealing shall set out in the notice of ^{Statement of allegations} appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

(5) An appeal under this section and all proceedings there- ^{Security for costs} under are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the same period, paid into court in such sum, not exceeding \$400, as the Treasurer requires and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceeding shall be instituted in respect of the same decision.

(6) When security has been given under subsection 5, ^{Idem} notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment.

19.—(1) The Treasurer shall with all due despatch serve ^{Reply to notice of appeal} on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Amendment
of notice
of appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true.

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in section 18 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out
may be
pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii)

- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(4) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as is deemed proper. Court may order payment of tax, etc.

21. Proceedings pursuant to sections 18, 19, 20 and 22 shall be held *in camera* on request made to the court by the person appealing or by the Treasurer. Proceedings in camera

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 18, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Supreme Court practice to govern

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. Irregularities

24.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and, Investigations

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax collectable or payable under this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;

(c)

- (c) require a vendor or purchaser liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such vendor or purchaser is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such vendor or purchaser to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any vendor or purchaser or, if any such vendor or purchaser is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information or additional information or a return as required under section 10 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or payable or liable to pay any amount to a vendor or purchaser, or from any partner, agent, or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(4) The Comptroller may, for any purpose related to the ^{Idem} administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath ^{Production of evidence to prove tax payable by another person} or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any vendor or purchaser, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

(6) The Comptroller may, for any purpose related to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(8) No person shall hinder or molest or interfere with any ^{Compliance} person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

Idem

(9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administra-
tion of
oaths

(10) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Powers of
inquiry

(11) For the purpose of an inquiry under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Penalty for
default in
filing
returns

25.—(1) Every vendor who fails to deliver a return as and when required shall pay a penalty of,

- (a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and
- (b) \$500, if the amount of such tax was \$10,000 or more.

Failure to
complete
return

(2) Every vendor who fails to complete the information required on the return to be delivered under section 10 is liable to a penalty of 1 per cent of the tax collectable by him for the period covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

False
statements

(3) Every person who has,

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of the vendor or purchaser;

(c)

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a vendor or purchaser;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

26. The Comptroller may enlarge the time for making any return before or after the time for making it. Extended time for making returns

27.—(1) Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate of 6 per cent per annum from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date. Interest

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest at the rate of 9 per cent per annum calculated from thirty days after the day of mailing of the notice of assessment until the day of payment. Idem

28.—(1) When the Comptroller has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnishment

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Recovery of
tax

29.—(1) Upon default of payment by a vendor or purchaser of any tax collectable or payable under this Act,

- (a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury;
- (b) the Treasurer may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or the Comptroller with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Treasurer or of any officer of the Office of the Comptroller of Revenue.

30. The use of any of the remedies provided by sections 28 and 29 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

31.—(1) The Comptroller may require any vendor to deposit with the Treasurer a bond by way of cash or other security satisfactory to the Treasurer in an amount to be determined by the Comptroller but not greater than an amount equal to six times the amount of the estimated tax that would normally be collected by the vendor each month under this Act.

(2) Where a vendor who has deposited a bond with the Treasurer under subsection 1 has failed to collect or remit tax in accordance with this Act, the Comptroller may, by giving written notice to the vendor by registered mail or personal service, apply the bond in whole or in part to the amount that should have been collected, remitted or paid by the vendor as the amount due to Her Majesty in right of Ontario as of the date of the notice.

32. No vendor shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by him or that it will not be considered as an element in the price to the purchaser, or, if added, that it or any part thereof will be refunded.

33.—(1) Every vendor who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

(2) Every person who contravenes section 10, 11 or 24 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

Officers,
etc., of
corporations

34. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

General
penalty

35.—(1) Subject to subsection 2, a person guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$10 and not more than \$1,000.

Penalty for
failure to
collect tax

(2) Every person who fails to collect the tax imposed by this Act is liable on summary conviction to a fine equal to the amount of the tax that should have been collected as determined under subsection 3 and, in addition, an amount not less than \$10 and not more than \$1,000.

Idem

(3) The Comptroller shall determine the amount of the tax referred to in subsection 2 from such information as is available to him and shall issue a certificate as to the amount, but, except where he deems there has been deliberate evasion of this Act, the Comptroller shall not consider a period of more than three years in determining the amount of the tax referred to.

Idem

(4) In any prosecution under subsection 2, a certificate signed or purported to be signed by the Comptroller stating the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Idem

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Idem

(6) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act.

Disposition
of fines

(7) Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty in right of Ontario.

Onus of
proof

36. In any prosecution for failure to pay the tax or collect or remit the tax, the onus of proving that the tax was paid, collected or remitted, as the case may be, to the Comptroller is upon the accused.

37. An information in respect of an offence against this ^{Limitation} Act shall be laid within six years of the time when the matter of the information arose.

38.—(1) In a prosecution against a vendor under this ^{Evidence in} Act, the application form he filed for a permit under section 3 ^{prosecutions} is *prima facie* evidence that the person charged is a vendor under this Act and a return filed by him is *prima facie* evidence that he collected tax under this Act.

(2) Where a vendor is described as a partnership on an ^{Idem} application form for a permit under section 3, the application form is *prima facie* evidence that the persons named therein are members of such partnership and a return form filed by the partnership is *prima facie* evidence that the partnership collected tax.

39.—(1) For the purpose of carrying into effect the pro- ^{Regulations} visions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations as are considered necessary and advisable.

(2) Without limiting the generality of subsection 1, the ^{Idem} Lieutenant Governor in Council may make regulations,

- (a) prescribing the forms and records to be used for the purpose of this Act or the regulations;
- (b) prescribing the method of collection and remittance of the tax and any condition or requirement affecting such collection or remittance;
- (c) authorizing a designated officer or class of officers to exercise any of the powers or perform any of the duties of the Comptroller under this Act;
- (d) defining any expression used in this Act or the regulations;
- (e) providing for the rebate of the tax in whole or in part to,
 - (i) the governing body of any religious, charitable or benevolent organization in respect of tangible personal property entering into capital investment by such organization,
 - (ii) the governing body of any hospital, nurses' home, school or university in respect of

tangible personal property purchased by such governing body that enters directly into and becomes part of the construction of a hospital, nurses' home, school or university building,

- (iii) a municipal corporation, or a local board thereof, in respect of tangible personal property that enters directly into and becomes part of the construction of capital works,

and prescribing the terms and conditions under which such rebates may be made;

- (f) providing for relaxing the strictness of this Act relative to the incidence or collection of tax hereunder in special circumstances where, without relaxation, inconvenience or hardship might result, including cases involving the purchase of tangible personal property at bazaars and rummage sales.

Commence-
ment

40.—(1) Every vendor who is in business on the 1st day of May, 1961, shall apply for a permit under subsection 4 of section 3 before the 15th day of July, 1961.

Idem

(2) Subject to subsection 1, section 3 comes into force on the 1st day of August, 1961.

Idem

(3) Subject to subsections 1 and 2, this Act comes into force on the 1st day of September, 1961.

Short title

41. This Act may be cited as *The Retail Sales Tax Act, 1960-61*.

CHAPTER 92

An Act to amend The Schools Administration Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 6 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 6,
subs. 2,
cl. *c*,
re-enacted

(*c*) if,

- (i) his parent or guardian resides on and operates a farm, and
- (ii) his parent or guardian requires his services on the farm or in the farm household, and
- (iii) he has attained the age of fourteen years,

but, if such child attains the age of fourteen years during a school term, he is not excused until the end of that school term.

2. Section 35 of *The Schools Administration Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,
c. 361, s. 35,
amended

- 2a. appoint a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario or a psychologist who is a duly qualified medical practitioner or holds a certificate of registration under *The Psychologists Registration Act*, who shall perform his duties in accordance with this Act and the regulations.

psychiatrist
or
psychologist

R.S.O. 1960,
c. 316

3. Subsection 1 of section 40 of *The Schools Administration Act* is amended by striking out "or \$2,500" in the fifteenth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 361, s. 40,
subs. 1,
amended

Retirement
allowances

- (1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who,

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties;

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1960,
c. 392

R.S.O. 1960,
c. 361, s. 95,
amended

4. Section 95 of *The Schools Administration Act* is amended by adding thereto the following subsection:

Application

- (7) This section does not apply to a teacher, trustee, inspector or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Schools Administration Amendment Act, 1960-61*.

CHAPTER 93

**An Act to amend
The Secondary Schools and Boards
of Education Act**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 1,
subs. 2,
cl. *b*,
re-enacted

- (*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment in the preceding year of property taxable for secondary school purposes in the secondary school district divided by four times the average daily attendance of resident pupils in that year.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960
c. 362, s. 1,
subs. 3,
re-enacted

- (3) A person is a county pupil of a county if he resides with his parent or guardian in that part of the county that is not within a secondary school district, but a person is not a county pupil if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for or pays taxes for school purposes in a municipality in the county.

County
pupils

2. Subsection 3 of section 15 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

R.S.O. 1960
c. 362, s. 15,
subs. 3,
re-enacted

- (3) Where a municipality or part of a municipality is detached from a high school district that is wholly within a county, the county council shall appoint

Adjustment
of assets
and
liabilities

one arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall value and adjust, in an equitable manner, the assets and liabilities of the board of the high school district that exist on the date that the detachment is effective and determine the amount of money to be paid by a board or municipality to any other board or municipality and the manner in which the payment shall, in each case, be made.

Idem

- (4) Where the high school district includes any combination of part or all of one or more counties and one or more cities or separated towns, the council of each county, city or separated town shall appoint an arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall be arbitrators for the purposes of subsection 3.

Idem

- (5) Where the high school district includes municipalities or parts of municipalities in the territorial districts or territory without municipal organization, the council of each municipality and the school board on behalf of the territory without municipal organization shall each appoint an arbitrator, who, with the district judge and a secondary school inspector appointed by the Minister, shall be the arbitrators for the purposes of subsection 3.

Payment of liability

- (6) Where the award of the arbitrators directs the payment of a sum of money, the corporation that is liable may make the payment from current funds or, without the assent of the electors, may issue debentures for the amount of the liability in the manner provided in *The Municipal Act*.

R.S.O. 1960,
c. 249

Arbitrators

- (7) An arbitrator appointed by a council or school board shall not be a resident or a ratepayer of any high school district concerned or a member of the municipal council or school board concerned.

R.S.O. 1960,
c. 362, s. 26,
amended

3. Section 26 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections:

Return of
arrears of
taxes in
unorganized
territory

- (6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant

and

and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

- (7) The sheriff shall enter in a book to be kept by him ^{Entry in sheriff's book} for that purpose the particulars furnished by the collector.
- (8) The collector shall not receive any payment ^{Payment of arrears thereafter} on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.
- (9) After the expiration of such period, all such arrears ^{When arrears to be paid to sheriff} are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.
- (10) When it appears from the entries in the book kept ^{Sale of land for arrears} by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

4. Subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 362, s. 57, subs. 1, re-enacted}

- (1) A member of a board of education who is appointed ^{Restrictions on appointed members} by a county council or by a separate school board shall not vote on a motion that affects public schools exclusively.

5. Subsection 3 of section 63 of *The Secondary Schools and Boards of Education Act* is repealed. ^{R.S.O. 1960, c. 362, s. 63, subs. 3, repealed}

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. *a*,
subcl. i,
amended

6.—(1) Subclause i of clause *a* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “excluding” in the third line “the cost of transporting resident pupils”, so that the subclause shall read as follows:

- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding the cost of transporting resident pupils, fees paid or payable to another board and the cost of operation of evening courses of study.

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. *b*,
subcl. i,
amended

(2) Subclause i of clause *b* of subsection 4 of the said section 69 is amended by inserting after “grants” where it occurs the second time in the first line “on the cost of transporting resident pupils and”, so that the subclause shall read as follows:

- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study.

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. *b*,
subcl. ii,
amended

(3) Subclause ii of clause *b* of subsection 4 of the said section 69 is amended by adding at the end thereof “and other than fees paid by students for evening courses of study”, so that the subclause shall read as follows:

- (ii) fees other than fees paid or payable by another board and other than fees paid by students for evening courses of study.

R.S.O. 1960,
c. 362, s. 70,
subs. 5,
re-enacted

7. Subsection 5 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Fees
payable
to
treasurer

- (5) Fees payable by a secondary school board under this section are payable to the treasurer of the board that operates the school attended by the pupils on an estimated basis at least quarterly during the year in which the pupils in respect of whom fees are payable attend the school, with such adjustment as may be necessary when the actual costs for the year have been finally determined, and the estimate shall be not less than the rate per pupil, chargeable for a similar period in the preceding year, times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

8.—(1) This Act, except sections 1, 3, 6 and 7, comes into ^{Commence-}force on the day it receives Royal Assent.
_{ment}

(2) Section 6 shall be deemed to have come into force on *Idem* the 1st day of January, 1961.

(3) Sections 1 and 7 come into force on the 1st day of July, *Idem* 1961.

(4) Section 3 comes into force on the 1st day of January, *Idem* 1962.

9. This Act may be cited as *The Secondary Schools and* ^{Short title}
Boards of Education Amendment Act, 1960-61.

CHAPTER 94

An Act to amend The Separate Schools Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a*, *b* and *c* of subsection 2 of section 21 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 21,
subs. 2,
cls. *a*, *b*,
re-enacted;
cl. *c*,
repealed

- (a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of"

(inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the inspector that will be used until a school section is formed that includes the separate school within its boundaries);

- (b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of"
(inserting a name selected by the inspector and the name of the territorial district).

(2) The said section 21 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 368, s. 21,
amended

- (6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates charge-

able

able against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

- (7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payment of
arrears
thereafter

- (8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid
to sheriff

- (9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

Sale of
lands for
arrears

- (10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

R.S.O. 1960,
c. 368, s. 22,
subs. 1,
amended

2. Subsection 1 of section 22 of *The Separate Schools Act* is amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

Determina-
tion of gross
and net cost

- (1) In this section,

- (a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

(b)

- (b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purpose of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

3. Subsection 2 of section 32 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 32,
subs. 2,
re-enacted

- (2) The trustees of a union separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of"
 " (inserting alphabetically the names of the municipalities in which the separate schools of the board are located and, where there are two or more unions in the same municipality, adding a number assigned by the inspector).

Corporate
name

4. Sections 35 and 36 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368,
ss. 35, 36,
re-enacted

- 35.—(1) Except as provided in section 36, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year.

Election of
trustees
in urban
municipalities by
general vote

- (2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held, as follows, where the population was,

Number of
trustees

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

Change in
number of
trustees

- (3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Urban
municipality
divided
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36*a*, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five
or more
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may, in the manner provided in section 36*a*, be changed to a board comprising one trustee from each ward elected by the separate school supporters of that ward for a period of two years.

Change from
election by
wards to
general vote

- (3) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36*a*, be changed to a board elected in the manner provided in section 35.

Method of
changing
composition
and election
of board

- 36*a*.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in subsection 1 or 2 of section 36 to that provided in either of such subsections, provided that the resolution of the board for a change has been submitted to, and has received an affirmative vote of, a majority of the supporters of the separate schools of the urban municipality who voted on the resolution.

Election
of new
board after
change

- (2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Limitation
on changing
method of
election

- (3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years.

Determina-
tion of
retirement
of trustees

- 36*b*. At the first election of the trustees of an urban separate school board and at the first election of

trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting.

- 36c. A trustee of an urban separate school board may resign by giving written notice of his resignation to the secretary. Resignation
of trustees

5. Section 46 of *The Separate Schools Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 46,
amended

- (3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote. Vacancies
in urban
boards and
union
boards
- (4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election

shall

shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.

Idem

(5) In the case of an urban separate school board or a union separate school board,

(a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;

(c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;

(d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot.

R.S.O. 1960,
c. 368,
amended

6. *The Separate Schools Act* is amended by adding thereto the following section:

Levy for
transporta-
tion costs
of high
school
pupils not
resident in
high school
district

59a. Where some of the supporters of a separate school reside in a municipality and in a high school district and other supporters of the separate school reside in another municipality and not in a high school district, and the high school board or board of education is furnishing transportation for its resident secondary school pupils, the separate school board may furnish transportation for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district and may levy the cost of the transportation

for

for the preceding year, less the legislative grant paid thereon, on the supporters who do not reside in the high school district.

7.—(1) This Act, except subsection 2 of section 1 and sections 2 and 6, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1961.

(3) Subsection 2 of section 1 and section 6 come into force ^{Idem} on the 1st day of January, 1962.

8. This Act may be cited as *The Separate Schools Amendment Act, 1960-61*. ^{Short title}

CHAPTER 95

An Act to amend The Succession Duty Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 5 of *The Succession Duty Act* is amended by striking out "the United Kingdom of Great Britain and Northern Ireland" in the second and third lines, by striking out "or" in the fourth line and by adding at the end thereof "or any conservation authority under *The Conservation Authorities Act*", so that the clause shall read as follows:

R.S.O. 1960,
c. 386, s. 5,
subs. 1,
cl. *e*,
amended

(*e*) any property devised or bequeathed by the deceased to and any disposition to the Dominion of Canada, the Province of Ontario, any municipality in Ontario or any conservation authority under *The Conservation Authorities Act*.

R.S.O. 1960,
c. 62

2. Subsection 3 of section 7 of *The Succession Duty Act* is amended by adding after "to" where it occurs the second time in the third line "one-half of", so that the first three lines of the subsection shall read as follows:

R.S.O. 1960,
c. 386, s. 7,
subs. 3,
amended

(3) The duty levied on property passing on the death of the deceased to or for the benefit of a dependant and on him shall be reduced to an amount equal to one-half of,

Duty levied
on a
dependant
to be
reduced—
notch clause

.

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Succession Duty Amendment Act, 1960-61*.

Short title

CHAPTER 96

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1961, and the 31st day of March, 1962

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the Honourable Dana Harris Porter, Administrator of the Government of the Province of Ontario, and from the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1961, and for the fiscal year ending the 31st day of March, 1962, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$879,485,400 granted by *The Supply Act, 1960*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$5,463,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1960, to the 31st day of March, 1961, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based. \$5,463,000 granted for fiscal year 1960-61

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,004,083,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1961, to the 31st day of March, 1962, as set forth in Schedule B to this Act, and such sum shall be paid and \$1,004,083,500 granted for fiscal year 1961-62

applied

applied only in accordance with the votes and items of the estimates and supplementary estimates upon which such schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1960-61*.

SCHEDULE A

Department of Education.....	\$ 1,000,000
Department of Health.....	3,463,000
Treasury Department.....	1,000,000
	<hr/>
	\$ 5,463,000
	<hr/>

SCHEDULE B

Department of Agriculture.....	\$ 17,138,000
Department of the Attorney General.....	22,383,000
Department of Commerce and Development..	15,078,000
Department of Economics.....	453,000
Department of Education.....	255,368,000
Department of Energy Resources.....	610,000
Department of Health.....	136,275,000
Department of Highways.....	267,916,000
Department of Insurance.....	449,000
Department of Labour.....	14,563,000
Department of Lands and Forests.....	25,088,000
Office of the Lieutenant Governor.....	21,000
Department of Mines.....	3,423,000
Department of Municipal Affairs.....	91,538,000
Department of the Prime Minister.....	162,000
Office of the Provincial Auditor.....	448,000
Department of the Provincial Secretary and Citizenship.....	3,567,500
Department of Public Welfare.....	63,387,000
Department of Public Works.....	55,347,000
Department of Reform Institutions.....	17,941,000
Department of Transport.....	5,163,000
Department of Travel and Publicity.....	2,094,000
Treasury Department.....	5,671,000
	<hr/>
	\$1,004,083,500
	<hr/>

CHAPTER 97

An Act to amend The Surveys Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 55 of *The Surveys Act* R.S.O. 1960, c. 390, s. 55, subss. 1, 2, repealed are repealed.
2. *The Surveys Act* is amended by adding thereto the R.S.O. 1960, c. 390, amended following section:
 - 58a. The plan of a survey of land shall show the position, Survey monuments, etc. type and form of every survey monument or object used to define a point placed, planted, set or marked in the survey.
3. This Act comes into force on the 1st day of June, 1961. Commencement
4. This Act may be cited as *The Surveys Amendment Act*, Short title 1960-61.

CHAPTER 98

An Act to amend The Teachers' Superannuation Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 17,
subs. 5,
re-enacted

(5) Every person,

Exceptions

- (a) who was qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective; or
- (b) who was not qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective and who became so qualified after the designation became effective,

may, by notice in writing to the governing body of the school and to the Commission, given within three months after the designation became effective if under clause *a* or within three months after becoming qualified if under clause *b*, exclude himself from the benefits and obligations of this Act during the time that he is on the teaching staff of a designated private school.

2. Section 52 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 52,
re-enacted

Return of
super-
annuate to
employment

52. Where a person who is in receipt of a superannuation allowance becomes employed, no refund in respect of his contributions made after his return to employment shall be made except as provided in section 55.

Special
U. of T.
group

3. Every person,

- (a) who was a contributor to the University of Toronto Pension Fund;
- (b) who has transferred or transfers to the Teachers' Superannuation Fund;
- (c) who has credit in the Teachers' Superannuation Fund for a period of fifteen or more school years; and
- (d) who had or has credit in the University of Toronto Pension Fund for a period which, if that period and the period mentioned in clause *c* had both been served under *The Teachers' Superannuation Act*, would have entitled him to a superannuation allowance under that Act,

R.S.O. 1960,
c. 392

is entitled to a superannuation allowance under that Act calculated on the basis of his average salary for the last ten years for which he contributed to the Teachers' Superannuation Fund and bearing the same ratio to the allowance to which he would have been entitled if he had contributed to the Teachers' Superannuation Fund for the period for which he contributed to the University of Toronto Pension Fund as the number of his years of contribution to the Teachers' Superannuation Fund bears to the number, not exceeding thirty-five, of his years of contribution to the Teachers' Superannuation Fund and the University of Toronto Pension Fund.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1960-61*.

CHAPTER 99

An Act to amend The Theatres Act

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Theatres Act* is amended by adding at the end thereof "designed for the use of standard film", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 1,
cl. *j*,
amended

(*j*) "projectionist" means a person who operates a projector designed for the use of standard film.

2. Subsection 2 of section 3 of *The Theatres Act* is amended by striking out "and" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960,
c. 396, s. 3,
subs. 2,
amended

(*ee*) to classify any film as restricted entertainment; and

.

3. Clause *e* of subsection 2 of section 4 of *The Theatres Act* is amended by inserting after "film" in the second line "or advertising", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 4,
subs. 2, cl. *e*,
amended

(*e*) to seize any projector installed or operated, or any film or advertising used or exhibited, contrary to this Act or the regulations.

4. Section 6 of *The Theatres Act* is amended by striking out "or film" in the first line and inserting in lieu thereof "film or advertising", so that the section shall read as follows: R.S.O. 1960,
c. 396, s. 6,
amended

6. Any projector, film or advertising seized by an inspector under this Act shall be disposed of as directed by the Minister. Disposal of
seized
projector,
film or
advertising

5. Section 10 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 10,
repealed

6. Paragraph 3 of section 11 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 396, s. 11,
par. 3,
re-enacted

3. Class C theatre means a building in which standard film is used to exhibit moving pictures and that may be used to exhibit theatrical performances providing no movable scenery is used and no change of dress or costume is made in the theatre.

R.S.O. 1960,
c. 396, s. 16,
repealed

7. Section 16 of *The Theatres Act* is repealed.

R.S.O. 1960
c. 396, s. 17
cl. a,
amended

8. Clause a of section 17 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the clause shall read as follows:

- (a) if the licensee, manager or person in charge of the theatre contravenes any of the provisions of this Act or the regulations; or

.

R.S.O. 1960,
c. 396, s. 20,
re-enacted

9. Section 20 of *The Theatres Act* is repealed and the following substituted therefor:

Duty of
licensee, etc.

20. The licensee, manager or person in charge of a theatre is responsible for ensuring that the provisions of this Act and the regulations respecting theatres and the exhibition of moving pictures therein are complied with.

R.S.O. 1960,
c. 396, s. 22,
subs. 2,
amended

10. Subsection 2 of section 22 of *The Theatres Act* is amended by inserting after "theatre" in the first line "who desires standing areas in the theatre", so that the subsection shall read as follows:

Approval

- (2) The licensee of every theatre who desires standing areas in the theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

R.S.O. 1960,
c. 396, s. 23,
subs. 1,
re-enacted

- 11.—(1) Subsection 1 of section 23 of *The Theatres Act* is repealed and the following substituted therefor:

Persons
under twelve
years attend-
ing theatres

- (1) No person apparently under twelve years of age not accompanied by a person apparently sixteen years or more of age shall be permitted to purchase a ticket of admission or be granted admission to an exhibition of moving pictures in a theatre,

- (a) after the hour of 7.30 p.m. on any day;

(b)

(b) during the school term of public and high schools in the municipality in which the theatre is situated, except,

(i) during school holidays between the hours of 9 a.m. and 7.30 p.m., and

(ii) during any other day during the term between the hours of 3.30 p.m. and 7.30 p.m.

(2) Subsection 2 of the said section 23 is amended by striking out "fourteen" in the second line and inserting in lieu thereof "twelve" and by striking out "eighteen" in the third line and inserting in lieu thereof "sixteen", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 23,
subs. 2,
amended

(2) Where an exhibition of moving pictures is given in a theatre and persons under twelve years of age not accompanied by persons sixteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

(3) The said section 23 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 396, s. 23,
amended

(4) No person apparently under eighteen years of age shall be permitted to purchase a ticket of admission or be granted admission to or permitted to remain in a theatre where a film classified as restricted entertainment is about to be or is being exhibited.

Persons
under 18
years
attending
restricted
film exhibi-
tions

(5) In any prosecution for a contravention of subsection 1 or 4, the magistrate shall determine from the appearance of any person and other relevant circumstances whether he is apparently under the age referred to in subsection 1 or 4, as the case may be.

Prosecution
under
subs. 1 or 4

12.—(1) Subsection 1 of section 26 of *The Theatres Act* is amended by inserting after "adult" in the first and fourth lines respectively "or restricted", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 26,
subs. 1,
amended

(1) Where a film that has been classified as adult or restricted entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult or restricted entertainment shall be displayed in such manner as the regulations may prescribe.

R.S.O. 1960,
c. 396, s. 26,
subs. 2,
amended

(2) Subsection 2 of the said section 26 is amended by inserting after "adult" in the second and fourth lines respectively "or restricted", so that the subsection shall read as follows:

Idem

(2) All advertising matter in connection with a film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult or restricted entertainment.

R.S.O. 1960,
c. 396, s. 28,
amended

13. Section 28 of *The Theatres Act* is amended by striking out "or manager" in the sixth line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Operation of
projector
without
licence

28. No person shall,

(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee, manager or person in charge of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act.

R.S.O. 1960,
c. 396, s. 37,
amended

14. Section 37 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Responsi-
bility of
licensee, etc.

37. No licensee, manager or person in charge of a theatre shall knowingly permit a projectionist to contravene any of the provisions of this Act or the regulations.

R.S.O. 1960,
c. 396, s. 47,
cls. b, c,
repealed

15. Clauses *b* and *c* of section 47 of *The Theatres Act* are repealed.

R.S.O. 1960,
c. 396, s. 51,
amended

16. Section 51 of *The Theatres Act* is amended by inserting after "exchange" in the first line "or agent therefor", so that the section shall read as follows:

Distribution
of advertis-
ing matter

51. No film exchange or agent therefor shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board.

17. Section 52 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 52,
repealed

18.—(1) Paragraph 14 of subsection 1 of section 63 of *The Theatres Act* is amended by inserting after “leased” in the third line “exhibited”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 14,
amended

14. prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased, exhibited or distributed.

(2) Paragraph 16 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 16,
amended

16. prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult or restricted entertainment and the manner in which the signs shall be displayed.

(3) Paragraph 17 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 17,
amended

17. prescribing the manner in which advertising matter in connection with any film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate that the film has been so classified.

19. This Act may be cited as *The Theatres Amendment Act, 1960-61*.

Short title

CHAPTER 100

An Act to amend The Trustee Act

Sections 1, 3 and 4 assented to December 16th, 1960

Section 2 assented to March 29th, 1961

Session Prorogued March 29th, 1961

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Trustee Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 408, s. 38, amended

(3a) A judge of the Supreme Court may make an appointment under subsection 3 before the period of six months referred to therein has expired if he is of opinion that a right of action of the person wronged would otherwise be prejudiced. Exception

2. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960, c. 408, amended

48a.—(1) Unless a contrary intention appears from the will, Application of income of estate of deceased person

(a) the personal representative of a deceased person, in paying the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements, shall not apply or be deemed to have applied any income of the estate in or towards the payment of any part of the capital of any such disbursements or of any part of the interest, if any, due thereon at the date of death of such person;

(b) until the payment of the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements mentioned in clause *a*, the income from the property required for the payment thereof, with the exception of any part of such income applied

in

in the payment of any interest accruing due thereon after the date of death of the deceased, shall be treated and applied as income of the residuary estate,

provided that, in any case where the assets of the estate are not sufficient to pay the aforesaid disbursements in full, the income shall be applied in making up such deficiency.

Idem

(2) Subsection 1 shall be deemed always to have been part of the law of Ontario.

Part applica-
tion of
other rules
validated

(3) Notwithstanding subsections 1 and 2, in any case in which the personal representative has before the coming into force of this section applied any rule of law or of administration different from the provisions of subsection 1, such application is valid and effective.

Commence-
ment

3. This Act, except section 2, comes into force on the 1st day of January, 1961.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1960-61*.

CHAPTER 101

An Act to amend The Vendors and Purchasers Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Vendors and Purchasers Act* is amended by striking out “or a judge thereof” in the third and fourth lines and by striking out “or the judge” in the ninth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 414, s. 3,
subs. 1,
amended

- (1) A vendor or purchaser of real or leasehold estate or his representative may at any time and from time to time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate in respect of any requisition or objection or any claim for compensation or any other question arising out of or connected with the contract, except a question affecting the existence or validity of the contract, and the court may make such order upon the application as may be deemed just.

Applications
to court
as to
requisitions,
objections,
compensa-
tion, etc.

(2) Subsection 5 of the said section 3 is amended by striking out “or judge” in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 414, s. 3,
subs. 5,
amended

- (5) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report.

Reference
to master

2. This Act may be cited as *The Vendors and Purchasers Amendment Act, 1960-61*.

Short title

CHAPTER 102

An Act to amend The Vital Statistics Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4 and 5 of section 6 of *The Vital Statistics Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 419, s. 6,
subss. 4, 5,
re-enacted

- (4) Except as provided in subsection 4a, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.
- (4a) A married woman to whom a child is born may apply by way of originating notice to the county or district court of the county or district in which the child was born and, if the court is satisfied that when the child was conceived the mother was living separate and apart from her husband and that her husband is not the father of the child and that she is commonly known under the surname of the father of the child, it may by order direct that no particulars of the father shall be given in the statement mentioned in subsection 1, or, where the mother and a person who acknowledges himself to be the father of the child both request in writing, it may direct that the particulars of the person so acknowledging be given as the particulars of the father or that the birth be registered showing the surname of the person so acknowledging as the surname of the child, or both.
- (4b) A certified copy of the order referred to in subsection 4a shall be filed by the mother with the division registrar or, if the order is made after the registration of the birth, with the Registrar General, and in the latter case the Registrar General shall amend the registration in accordance with the order.

Birth of
child to
married
woman

Alternative
procedure
in certain
cases

Filing of
order

Birth of
child to
unmarried
woman

- (5) Except as provided in subsection 5a, the birth of a child of an unmarried woman shall be registered showing the surname of the mother as the surname of the child, and no particulars of the father shall be given.

Where
father
acknow-
leged

- (5a) Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father by statutory declaration in the prescribed form so request, the particulars of the person so acknowledging shall be given as the particulars of the father and the birth shall be registered showing the surname of the person so acknowledging as the surname of the child.

Idem

- (5b) The statutory declaration mentioned in subsection 5a shall be filed by the mother with the division registrar or, if the declaration is made after the registration of the birth, with the Registrar General, and in the latter case the Registrar General shall amend the registration in accordance with such declaration.

Commence-
ment

- 2.** This Act comes into force on the 1st day of July, 1961.

Short title

- 3.** This Act may be cited as *The Vital Statistics Amendment Act, 1960-61*.

CHAPTER 103

An Act to amend The Wages Act

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 7 of *The Wages Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 421, s. 7, subs. 6, re-enacted

- (6) Any contract hereafter made may provide for the assignment by the debtor to the creditor of a portion of the debtor's wages up to but not exceeding the portion thereof that is liable to attachment or seizure under this section, and any provision of any contract hereafter made that provides for the assignment by the debtor to the creditor of a greater portion of the debtor's wages than is permissible under this subsection is invalid. Assignment of wages

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Wages Amendment Act*, Short title 1960-61.

PART II
PRIVATE ACTS

Chapters 104 to 141

CHAPTER 104

An Act respecting the Town of Arnprior

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

WHEREAS The Corporation of the Town of Arnprior, ^{Preamble} herein called the Corporation, by its petition has prayed for special legislation with respect to the issuing of debentures to provide for expenditures incurred in the construction of an extension to the existing waterworks system, sewer system and sidewalks and to provide for the cost of gravel roads in the Town of Arnprior; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass a by-law, ^{Local improvement by-law authorized} without obtaining the approval of the Ontario Municipal Board,

- (a) to borrow the sum of \$4,831.59 upon debentures made payable in not more than fifteen years for a portion of the expenditures incurred in the construction of house service connections on John Street at a cost of \$718.83, sidewalks on John Street at a cost of \$2,135.11 and house service connections on Edey Street at a cost of \$1,977.65, and the interest and charges relating thereto, as set out in Schedule A hereto; and
- (b) to raise the Corporation's portion of such debt, as set out in Schedule A hereto, and interest thereon by a rate sufficient therefor upon all the rateable property in the municipality.

(2) The house service connections on John Street and sidewalks on John Street and house service connections on Edey Street, described in Schedule A hereto, shall be deemed to have been constructed as local improvements under *The Local Improvement Act*. ^{Works deemed local improvements R.S.O. 1960, c. 223}

Special
assessment
rolls

(3) The council of the Corporation shall cause special assessment rolls to be prepared in the manner provided in *The Local Improvement Act*.

Court of
revision

(4) When the special assessment rolls have been prepared, the council of the Corporation shall cause courts of revision to be held and shall cause notice of the courts of revision to be given to each owner of property abutting on such work in accordance with the last revised assessment roll, and notice of such courts of revision shall be published in accordance with *The Local Improvement Act*.

Validity of
assessment
rolls

(5) The clerk of the Corporation shall make such corrections in the special assessment rolls in respect of such work as are necessary to give effect to the decisions of the courts of revision, and such rolls, when so corrected, shall be certified by the clerk and, when so certified, except in so far as they may be further amended on appeal to the judge of the county court, such rolls and the special assessments shall be valid and binding upon all persons concerned and upon the lands specially assessed, and the works in respect of which such special assessment rolls have been made and certified shall be conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of *The Local Improvement Act*.

Special
assessments

(6) When the special assessments have become valid and binding in accordance with subsection 5, the council of the Corporation is authorized to impose by by-law the special assessments set forth in the special assessment rolls upon the lands liable therefor as therein set forth.

Term of
special
assessments

(7) The special assessments in respect of the works, with a sum sufficient to cover interest thereon at the rate of $6\frac{1}{2}$ per cent per annum, shall be payable in fifteen equal annual instalments.

Application
of R.S.O.
1960, c. 223

(8) The provisions of *The Local Improvement Act*, except where inconsistent with this Act, apply to the preparation of such special assessment rolls, the holding of courts of revision and any other proceedings to be taken under this Act.

Debenture
by-law
re sewers,
watermains

2.—(1) The council of the Corporation may pass a by-law, without obtaining the approval of the Ontario Municipal Board, to borrow the sum of \$15,240.06 upon debentures made payable in not more than ten years to pay for the expenditures incurred in the construction of the sewer and watermains on John Street, the sewer on Edey Street, and any interest charges relating thereto, which debentures are repayable by special rate on all the rateable property of the Town of Arnprior.

(2) The council of the Corporation shall provide that the cost of the gravel roads on John Street, amounting to \$1,028.35, shall be provided for in the levy for general purposes for the year 1961.

3.—(1) The council of the Corporation may pass a by-law, without obtaining the approval of the Ontario Municipal Board, Local improvement by-law authorized

(a) to borrow the sum of \$16,000 upon debentures made payable in not more than fifteen years for a portion of the expenditures incurred in the construction of watermains and house service connections on Charles Street, and any interest and charges relating thereto, as set out in Schedule B hereto; and

(b) to raise the Corporation's portion of such debt, as set out in Schedule B hereto, and interest thereon by a rate sufficient therefor upon all the rateable property in the municipality,

and the by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

(2) The watermain and house service connections on Charles Street, described in Schedule B hereto, shall be deemed to have been constructed as local improvements under *The Local Improvement Act*. Works deemed local improvements R.S.O. 1960, c. 223

(3) The council of the Corporation shall cause special assessment rolls to be prepared in the manner provided in *The Local Improvement Act*. Special assessment rolls

(4) When the special assessment rolls have been prepared, the council of the Corporation shall cause courts of revision to be held and shall cause notice of the courts of revision to be given to each owner of property abutting on such work in accordance with the last revised assessment roll, and notice of such courts of revision shall be published in accordance with *The Local Improvement Act*. Courts of revision

(5) The clerk of the Corporation shall make such corrections in the special assessment rolls in respect of such work as are necessary to give effect to the decisions of the courts of revision, and such rolls, when so corrected, shall be certified by the clerk and, when so certified, except in so far as they may be further amended on appeal to the judge of the county court, such rolls and the special assessments shall be valid and binding upon all persons concerned and upon the lands specially assessed, and the works in respect of which such

special assessment rolls have been made and certified shall be conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of *The Local Improvement Act*.

Special
assessments

(6) When the special assessments have become valid and binding in accordance with subsection 5, the council of the Corporation is authorized to impose by by-law the special assessments set forth in the special assessment rolls upon the lands liable therefor as therein set forth.

Term of
special
assessments

(7) The special assessments in respect of the watermains and house service connections with a sum sufficient to cover interest thereon at the rate of $6\frac{1}{2}$ per cent per annum shall be payable in fifteen equal annual instalments.

Application
of R.S.O.
1960, c. 223

(8) The provisions of *The Local Improvement Act*, except where inconsistent with this Act, apply to the preparation of such special assessment rolls, the holding of courts of revision and any other proceedings to be taken under this Act.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Town of Arnprior Act, 1960-61*.

SCHEDULE A

	Labour	Machine	Material	Engineering 5 per cent	Interest and Cont.	Property Owners' Share	Corporation Share	Total
JOHN STREET								
House Service Connections	\$ 85.45	\$ 23.40	\$ 459.05	\$28.40	\$122.53	\$ 718.83	\$ 718.83
Sidewalks	710.38	105.75	824.98	84.31	364.69	1,578.95	\$556.16	2,135.11
EDDY STREET								
House Service Connections	197.75	23.61	1,340.28	77.98	338.03	1,977.65	1,977.65

SCHEDULE B

Description of work—10" cast iron Water Main and House Service Connections.	
Location —Charles Street, Registered Plan No. 129, from King's Highway No. 17 to the easterly limit of Charles Street, a distance of 1,740 feet.	
Total Cost (based on 6" cast iron water main)	\$16,000.00
Distribution of Cost—	
Property Owners' Share	\$ 7,923.56
Corporation Share	8,076.44
	<hr/>
	\$16,000.00

CHAPTER 105

An Act respecting the City of Belleville

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Belleville ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Belleville Act, 1960* is amended by adding <sup>1960, c. 135,
amended</sup> thereto the following section:

14a. Subject to *The Public Vehicles Act*, the rights con- <sup>Exclusive
rights</sup>ferred on the Corporation by this Act to maintain <sup>R.S.O. 1960,
c. 337</sup> and operate buses for the conveyance of passengers within the City of Belleville are exclusive as against all other persons.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The City of Belleville Act*, ^{Short title} 1960-61.

CHAPTER 106

An Act respecting the Town of Burlington

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Town of Burlington Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the Town
of Burlington;
- (b) "council" means the council of the Corporation;
- (c) "employee" means an employee of the Corporation.

2. The council may, out of current revenues of the Corpora- Grants to
authorized
tion, grant in any year such sum or sums of money, not ex-
ceeding in the aggregate \$5,000 in any one year, in aid of
institutions, associations or persons, for the carrying on of
activities that, in the opinion of the council, are for the general
advantage of the inhabitants of the Corporation, and for
which grant or grants there is no express authority provided
by any other Act.

3. Notwithstanding the provisions of any general or special Payments to
employees
of amounts
recovered
in actions
Act, where in any action or settlement arising out of an
accident to an employee, occurring in the course of his employ-
ment, the Corporation recovers or receives from the person
against whom the action lies or is brought a larger amount,
exclusive of costs, than the amount of moneys paid or other
benefits extended by the Corporation to or on behalf of the
employee as a result of the accident, the Corporation may pay
the surplus amount recovered or received,

(a)

(a) to the employee; or

(b) in the event of the death of the employee, to one or more of his dependants or to his estate,

upon such terms and conditions as the Corporation deems expedient.

Fire hydrant
rental costs
in area
of Town

4.—(1) The Corporation may provide, by by-law, that the cost of rental of fire hydrants shall be assessed and levied on the rateable property in the area in the Town of Burlington south of the Upper Middle Road from the Trafalgar Line to the Guelph Line and then on the projection of the Upper Middle Road to the old Nelson Township limit, thence southerly to the new controlled-access highway and south of that road in that portion of East Flamborough now a part of the Town.

Amendment
of limits
of area

(2) The Corporation may from time to time amend the limits of the area in subsection 1, subject to the approval of the Ontario Municipal Board.

Cancellation
of tax arrears

5. The council may by by-law cancel all arrears of taxes and interest or penalties thereon for the period commencing the 1st day of June, 1954, to and including the 31st day of December, 1960, levied by the Corporation in respect of the lands set out in the Schedule hereto, except local improvement rates, and release Burlington Curling Club Limited and the lands from all liability therefor.

Commence-
ment

6. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Short title

7. This Act may be cited as *The Town of Burlington Act, 1960-61*.

SCHEDULE

ALL AND SINGULAR that certain tract of land and premises situate, lying and being in the Town of Burlington in the County of Halton and being composed of Part of Lot 17 in the 3rd Concession South of Dundas Street (formerly in the Township of Nelson now in the Town of Burlington) and which may be more particularly described as follows:

Commencing where an iron bar has been planted, in the northwestern limit of New Street, in the said Town of Burlington, distant five hundred and thirty-two feet eleven inches (532' 11") measured on a course of South thirty-eight degrees thirty-four minutes West (S. 38° 34' W.) along the said limit of New Street from a point in the division line between Lots No. Sixteen (16) and Seventeen (17) in the aforesaid Third Concession, South of Dundas Street, in the Township of Nelson;

Thence North forty-four degrees thirty-seven minutes West (N. 44° 37' W.) two hundred feet (200') to a stake planted;

Thence South forty-five degrees twenty-three minutes West (S. 45° 23' W.) one hundred and fifteen feet (115') to a stake planted;

These South forty-four degrees thirty-seven minutes East (S. 44° 37' E.) two hundred and thirteen and eighty-two one hundredths feet (213.82') more or less to a stake planted in the aforesaid limit of New Street;

Thence North thirty-eight degrees thirty-four minutes East (N. 38° 34' E.) along the aforesaid limit of New Street, one hundred and fifteen and eighty-two one hundredths feet (115.82') to the place of beginning.

CHAPTER 107

An Act respecting the Township of Calvert

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Township of Calvert Preamble
by its petition has represented that the Corporation
has been required by the Township School Area of Calvert
South to borrow the sum of \$86,200 by the issue of debentures
for the purpose of paying for the construction of a public
school, and has prayed for special legislation in respect of
the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Subject to subsection 2, By-law No. 980 of The Debenture
by-law
validated
Corporation of the Township of Calvert, which was read a
first and second time on the 17th day of October, 1960, set
forth as the Schedule hereto, authorizing the issue of deben-
tures of the Corporation in the principal amount of \$86,200
to pay the costs of constructing a public school, is hereby
declared to be a by-law duly passed by the council of the
Corporation and is confirmed and declared to be legal, valid
and binding upon the Corporation and the ratepayers thereof.

(2) Schedule "A" to By-law No. 980 of The Corporation By-law
amended
of the Township of Calvert, set forth as the Schedule hereto,
is amended by striking out "\$6,034.00" and "\$36,533.00" in
the column headed "Interest" and inserting in lieu thereof
"\$3,017.00" and "\$33,516.00" respectively and by striking
out "\$12,234.00" and "\$122,733.00" in the column headed
"Total" and inserting in lieu thereof "\$9,217.00" and
"\$119,716.00" respectively.

2. Sections 58, 59, 60 and 61 of *The Ontario Municipal* Application
of R.S.O.
1960, c. 274
Board Act apply in respect of By-law No. 980 and the deben-
tures to be issued thereunder.

3. For the purposes of every Act, the Ontario Municipal By-law
deemed
approved
by O.M.B.
Board shall be deemed to have issued an order pursuant to
section 63 of *The Public Schools Act* and pursuant to section 64

of *The Ontario Municipal Board Act* authorizing the public school board of the Township School Area of Calvert South to proceed with the construction of the public school with respect to which the debentures are required and authorizing The Corporation of the Township of Calvert to pass the debenture by-law referred to in section 1.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Township of Calvert Act, 1960-61*.

SCHEDULE

THE CORPORATION OF THE TOWNSHIP OF CALVERT IN THE
DISTRICT OF COCHRANE AND PROVINCE OF ONTARIO

BY-LAW No. 980

BEING A BY-LAW to authorize the borrowing of \$86,200.00 upon debentures for public school purposes.

WHEREAS the Public School Board of the Township School Area of Calvert South has requested the Council to provide the sum of Eighty-six thousand two hundred dollars (\$86,200.00) for the purpose of erecting a new school at Monteith, Ontario, being one of the schools in the said Township School Area;

AND WHEREAS it is necessary and expedient to borrow for the said purpose a sum not exceeding Eighty-six thousand two hundred dollars (\$86,200.00) upon the credit of the Corporation, to issue debentures therefor bearing interest payable annually at the rate per annum shown in Schedule "A" attached to this by-law and to provide for the expenses incidental to the negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of ten (10) years in the respective amounts set forth in Schedule "A" hereto annexed;

THEREFORE the Council of the Corporation of the Township of Calvert enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding Eighty-six thousand two hundred dollars (\$86,200.00) and shall issue debentures therefor.

2. Each debenture shall bear interest at the rate of seven per cent (7%) being the rate shown in Schedule "A" attached to this by-law and shall have coupons attached thereto for the payment of such interest.

3. The debentures shall be dated the 31st day of March, A.D. 1961, shall be issued at one time and shall be payable with interest in ten (10) annual instalments on the 30th day of September in each of the years 1961 to 1970 inclusive, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

4. The debentures to be issued shall be ten (10) in number, one falling due in each year of the said term.

5. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at the Royal Bank of Canada, in the Township of Calvert, or at the principal office of the said bank in the City of Toronto.

6. The said debentures shall be sealed with the seal of the Corporation and signed by the Head of the Council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and her signature thereon may be written, stamped, lithographed or engraved.

7. Commencing in the year 1961 and thereafter in each year in which an instalment of principal of the said debt and the interest thereon become due, the Council shall levy and raise the specific sum shown for the respective year in the said Schedule "A". Such sum shall be levied and raised by a special rate therefor, over and above all other rates, upon the taxable property of ratepayers who are supporters of public schools under the jurisdiction of The Public School Board of the Township School Area of Calvert South.

8. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

9. Pending the sale of the said debentures the Head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the amount hereby authorized to be borrowed and may hypothecate such debentures for such loan.

READ A FIRST AND SECOND TIME this 17th day of October, A.D. 1960.

ARTHUR LEROUX,
Reeve.

E. C. LAPALME,
Clerk.

Schedule "A"
TO BY-LAW No. 980

Deb. No.	Date of Maturity	Principal	Rate	Interest	Total
1	1961	\$ 6,200.00	7%	\$ 6,034.00	\$ 12,234.00
2	1962	6,700.00	...	5,600.00	12,300.00
3	1963	7,200.00	...	5,131.00	12,331.00
4	1964	7,600.00	...	4,627.00	12,227.00
5	1965	8,200.00	...	4,095.00	12,295.00
6	1966	8,700.00	...	3,521.00	12,221.00
7	1967	9,400.00	...	2,912.00	12,312.00
8	1968	10,000.00	...	2,254.00	12,254.00
9	1969	10,700.00	...	1,554.00	12,254.00
10	1970	11,500.00	...	805.00	12,305.00
		<hr/>		<hr/>	<hr/>
		\$86,200.00		\$36,533.00	\$122,733.00

CHAPTER 108

An Act to incorporate The Capuchin Fathers of Ontario

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Capuchin Fathers of Ottawa, a religious Preamble
order incorporated in Ontario under *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, on their declaration by His Honour Judge William Ross, a judge of the County of Carleton, on the 12th day of March, 1892, by its petition has represented that since its incorporation it has undergone considerable expansion and covers many ecclesiastical dioceses in Ontario and is continuing to progress and expand, that its powers, privileges and rights and its corporate structure are no longer adaptable to present needs, and that, by resolution dated the 3rd day of October, 1960, the corporation of The Capuchin Fathers of Ottawa has consented to a petition for special legislation incorporating a new corporation, under the name of "The Capuchin Fathers of Ontario", and transferring to it all the assets, rights and obligations of the existing corporation; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Reverend Father Henri Bolduc, known in religion as The
Father Arthur, Reverend Father Louis Painchaud, known in Capuchin
religion as Father Marie-Antoine, and Reverend Father Fathers of
Leopold Picard, known in religion as Father Roch, being three Ontario
members of the order, and such of the persons as become mem- incorporated
bers of the order and their successors in the order are hereby constituted a body corporate and politic under the name of "The Capuchin Fathers of Ontario", herein called the Corporation.

2. The head office of the Corporation shall be at the City Head office
of Ottawa, County of Carleton, Province of Ontario.

Corporate
seal

3. The Corporation has power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the Corporation.

Objects

4. The objects of the Corporation in general are religion, charity, welfare, instruction and education, but, without limiting the generality of the objects hereinbefore mentioned, the Corporation also has the following objects and powers:

1. To establish, maintain and conduct churches.
2. To employ, conduct and direct missionaries to preach the Gospel.
3. To conduct public and private meetings of a religious, social and missionary nature.
4. To establish, maintain and conduct classes for religious education and to employ and pay instructors therefor.
5. To print, publish, sell and distribute literature of a religious and social nature and to establish and operate printing plants and centres of distribution.
6. To found, establish, maintain and promote asylums, homes, schools, high schools, academies, colleges, boarding schools, seminaries, juvenates, novitiates, scholasticates, family houses for orphan apprentices, perseverance societies, clubs, guilds (patronage), agricultural schools and art and trade schools, convents and other similar institutions.
7. To acquire, establish, erect, equip, maintain and conduct parishes, missions, parish halls or community centres.
8. To supply and render services of a charitable nature to poor and needy persons.
9. To establish a vault or cemetery on the property of any of its convents for the purpose of depositing therein the remains of its deceased members; provided such burial places are established and maintained in accordance with the provisions of the by-laws of the municipality in which they may be situate and in accordance with the laws and regulations of Ontario governing the burial of the dead.

10. To take care of its members or any other persons it employs.
11. To co-operate with any other organization, whether incorporated or not, for the purpose of co-operation in the prosecution of religious work.
12. Generally, to exercise all such powers as are necessary for carrying out the objects and purposes of the Corporation.

5. The Corporation has power to purchase or acquire, by ^{Property} gift, devise, bequest or otherwise, to hold, possess and enjoy and to have, take and receive to it and its successors to and for the actual use or occupation for the objects of the Corporation any real and personal property or any estate or interest therein, either absolutely or in trust, and to sell, transfer, charge, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof and to purchase others in their stead for the same objects.

6. Subject to any specific trust as to the same, the Corporation may invest funds only in securities that by ^{Investment of funds} *The Trustee Act* ^{R.S.O. 1960, c. 408} are authorized for investment by trustees.

7. The Corporation may issue debentures in such denominations and upon such terms as it may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized and the seal of the Corporation, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favour of a trustee or trustees for the holders of such debentures upon any real estate in Ontario under the control of the Corporation. ^{Debentures}

8. The Corporation may from time to time for its objects, ^{Borrowing powers}

- (a) borrow money upon the credit of the Corporation and limit or increase the amount to be borrowed;
- (b) make, draw, accept, endorse or become party to promissory notes or bills of exchange drawn, accepted or endorsed by the Corporation and countersigned by the proper party thereto authorized by the by-laws of the Corporation, and it shall not be necessary in any case to have the seal affixed to any such note or bill;
- (c) mortgage, hypothecate or pledge the real or personal property of the Corporation, or both, to secure any money borrowed for the objects of the Corporation.

Execution
of deeds, etc.

9. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the Corporation shall be deemed to be and shall be duly executed and shall be sufficient for the purposes for which it is intended if there are affixed thereto the seal of the Corporation and the signatures of two directors of the Corporation.

By-laws

10. The Corporation may from time to time make by-laws not contrary to law for,

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the Corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the Corporation and their successors;
- (c) the admission of members to and their dismissal from the Corporation;
- (d) the calling of meetings, regular or special, of the Corporation or of committees;
- (e) the fixing of the necessary quorum and procedure in all things at such meetings; and
- (f) generally, the carrying out of the objects and purposes of the Corporation.

Trust
property

11. All property, real or personal, held by the Corporation under any trust shall be managed and administered separately, with separate bookkeeping for each trust.

Designation
of members

12. A member of the Corporation may designate himself and be designated for all purposes by the name he bears in religion.

Provincial
Minister
of order

13. The rights and powers of the Corporation shall be exercised by the member of the order acting for the time being as Provincial Minister of the Province of Eastern Canada of the order.

By-laws

14.—(1) No by-law under section 10 shall be enacted, amended or repealed without the authorization of the Council of Advisors.

Council of
Advisors

(2) The Council of Advisors is composed of the members of the order acting for the time being as "Définiteurs" of the Province of Eastern Canada of the order, as well as of the members appointed as such from time to time by the Corporation under its by-laws.

15.—(1) The Corporation shall keep at its head office one ^{Register} or more registers containing,

- (a) a copy of this Act;
- (b) the by-laws made in the exercise of the powers conferred by this Act;
- (c) the surnames, Christian names, nationalities, addresses and occupations of every member of the Corporation, indicating, as regards each, his name in religion, the date of his admission and the date when he ceased to be a member;
- (d) the surnames and Christian names of every member of the order who held or holds the office of Provincial Minister of the Province of Eastern Canada, indicating, as regards each, the date of his entry into office and the date when he ceased to hold office;
- (e) the surnames, Christian names and occupations of every member of the Council of Advisors of the Corporation, indicating, as regards each, the date of his entry into office and the date when he ceased to hold it;
- (f) a summary of the provisions of any specific trust;
- (g) the debts secured by mortgage on its real estate property, indicating, as regards each, the principal, a summary description of the property mortgaged and the name of the trustee.

(2) Any person interested may consult the register or ^{Consulting} registers and obtain certified extracts therefrom at his own ^{of register} expense.

16. At the dissolution of the Corporation, all property, ^{Dissolution} real and personal, and the undertakings and assets owned, ^{of Corporation} held, possessed and enjoyed by it shall be vested in the Roman Catholic Bishop of the Diocese where the head office of the Corporation is situated.

17. All properties, real or personal, and the undertakings ^{Property} and assets owned, held, possessed or enjoyed by The Capuchin ^{vested in} Fathers of Ottawa are hereby vested in the Corporation for its objects without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, but subject to the provisions of this Act and to all obligations, debts, mortgages, charges and liabilities in any way affecting the same or any part thereof.

Dissolution
of existing
Corporation

18. On the day this Act comes into force, the Corporation of The Capuchin Fathers of Ottawa is dissolved.

Statement
to
Provincial
Secretary

19. The Corporation, whenever required by the Lieutenant Governor in Council so to do, shall render an account in writing of its property and affairs to the Provincial Secretary.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. This Act may be cited as *The Capuchin Fathers of Ontario Act, 1960-61*.

CHAPTER 109

An Act respecting the City of Chatham

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Chatham Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 4866 of The Corporation of the City of Chatham, being a by-law to authorize the amendment of the By-law and Agreement confirmed Agreement dated the 18th day of October, 1957, between the Corporation and J. I. DeNure (Chatham) Limited respecting the operation of a bus transportation service for the citizens of the Corporation, as set forth in the Schedule to *The City of Chatham Act, 1958*, and the Agreement set forth in Schedule "A" to By-law No. 4866, as set forth in the Schedule to this Act, are hereby confirmed and declared to be valid and binding upon the Corporation and the ratepayers thereof and upon J. I. DeNure (Chatham) Limited and upon any other person or persons affected thereby. 1958, c. 129

2. This Act comes into force on the day it receives Royal Commence-ment Assent.

3. This Act may be cited as *The City of Chatham Act*, Short title 1960-61.

SCHEDULE

BY-LAW No. 4866

OF THE CORPORATION OF THE CITY OF CHATHAM

A BY-LAW to amend the Agreement between the Corporation of the City of Chatham and J. I. DeNure (Chatham) Limited dated the 18th day of October, 1957, and to authorize the application for special legislation ratifying the amendments.

FINALLY PASSED the 6th day of December, 1960.

WHEREAS By-law No. 4452 of the Corporation of the City of Chatham, finally passed the 16th day of December, 1957, and ratified by *The City of Chatham Act, 1958*, authorized the execution of an Agreement granting a franchise for the operation of a bus transportation for the citizens of the City of Chatham by J. I. DeNure (Chatham) Limited;

AND WHEREAS it is considered expedient by both Parties to the said Agreement that the same be amended in certain respects so as to clarify their mutual obligations under the said Agreement;

AND WHEREAS it will be necessary to obtain special legislation from the Legislative Assembly of the Province of Ontario for authority to amend the said Agreement.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of Chatham as follows:

1. That the Agreement between the Corporation of the City of Chatham and J. I. DeNure (Chatham) Limited, dated the 18th day of October, 1957, be amended as set forth in an Agreement between the Parties dated the 15th day of November, 1960, as set forth in Schedule "A" hereto.

2. That the Mayor and Clerk are hereby authorized to execute on behalf of the Corporation of the City of Chatham the said Agreement marked Schedule "A" hereto.

3. That the Mayor and Clerk are hereby authorized to sign, on behalf of the Corporation of the City of Chatham, a petition to the Legislative Assembly of the Province of Ontario and to the Lieutenant Governor in Council for special legislation permitting the Parties to enter into the said Agreement, Schedule "A" hereto, and confirming the same as being binding upon the Corporation and the ratepayers thereof, and upon J. I. DeNure (Chatham) Limited and any other person or persons affected thereby.

This By-law shall come into full force and effect when special legislation of the Legislative Assembly of the Province of Ontario comes into effect ratifying and confirming the said Agreement as aforesaid.

G. R. NEWKIRK,
Mayor.

WM. L. FOREMAN,
Clerk.

(Corporate seal)

Schedule "A"

THIS AGREEMENT made in triplicate this 15th day of November, A.D. 1960.

BETWEEN:

THE CORPORATION OF THE CITY OF CHATHAM,
hereinafter called the "Party",

OF THE FIRST PART;

— and —

J. I. DENURE (CHATHAM) LIMITED,
hereinafter called the "Party",

OF THE SECOND PART.

WHEREAS the Parties hereto are the Parties to an Agreement dated the 18th day of October, 1957, which has been confirmed by special legislation of the Legislative Assembly of the Province of Ontario;

AND WHEREAS it is desired to amend the said Agreement as herein-after set forth.

THEREFORE THIS AGREEMENT WITNESSETH that the Parties mutually covenant and agree for themselves, their successors and assigns, as follows:

1. Paragraph 11 of the Agreement dated the 18th day of October, 1957, between the Parties is hereby deleted and the following substituted therefor:

11. In consideration of the performance of all of its covenants herein contained by the Party of the second part, the Party of the first part covenants to pay to the Party of the second part a price for each mile its buses are operated in providing the transportation service required hereunder (excluding mileage for chartered trips within the City), determined as hereinafter set forth. The mileage to be paid for shall be determined every two weeks on a basis whereby the distances of the routes travelled are logged and the total number of trips over such routes are counted, and the mileage determined by multiplying the mileage distances of the routes by the number of trips made. Payments on account of the price per mile shall be made every two weeks according to the mileage logged during the immediately preceding two weeks.

The price per mile shall be determined as of January 1st and July 1st of each year by adding to the cost as determined by audited statements dated December 31st and June 30th immediately preceding, based on the cost factors listed under the column "Item" in Schedule "B" hereto, 3.3c. per mile. Where the audited statement at the end of each six months shows a change in cost as compared with the cost in the previous audited statement, an adjustment shall be made so as to bring the payments made over the previous six months to the actual cost per mile plus 3.3c. per mile. Any payment due to either Party on such adjustment shall be made in thirty days after demand. Semi-annual Auditors' statements shall be furnished as received, and all business records of the Party of the second part pertaining to City bus operation shall be made available, if requested by the Party of the first part. The Party of the second part agrees that before entering into any new wage contract with its employees which might affect its contract with the Party of the first part it will obtain the approval of the City Council to the terms thereof, and that salaries for management which might affect its contract with the Party of the first part shall not be increased without the consent of the Party of the first part. It is further agreed by the Parties hereto that the operating costs and depreciation charges in respect of the special

buses referred to in paragraph 2 hereof shall be excluded in calculating operation costs per mile, and that if, after the payment of the stipulated price per mile is made to the Party of the second part there remains a surplus of receipts from fares in any year, the surplus up to what would amount to three cents (3c.) per mile of operation in that year shall be the property of the Party of the first part, and any surplus over that shall be divided equally between the Parties.

2. Schedule "B" to the said Agreement of October 18th, 1957, is hereby deleted and the following substituted therefor:

Schedule "B"

STATEMENT OF OPERATING COSTS CHARGED TO CITY RUNS

Period of Six Months Ended

Item	Total Paid on All Operations	Allocated to City Operations	Amount Charged to City Operations
Bus sundry expenses...	50%	\$.....
Garage supplies.....	50%
Gasoline.....	Actual cost
Grease and Oil.....	60%
Insurance—City buses
Liability.....	Actual cost
Fire and Theft.....	Actual cost
Licences.....	Actual cost
Bus repairs—parts.....	40%
—tires.....	50%
Taxes—Property and
Business.....	40%
Sundry repairs and
sublet work.....	40%
Unemployment
Insurance.....	Actual cost
Uniforms.....	60%
Wages.....	Actual cost
Water.....	75%
Depreciation—
Building.....	As allowed for income tax puposes.....	\$.....
Buses.....	10% of original cost, or of cost as now established
Garage equipment..	50% of total taken for income tax purposes..
Service truck.....	75% of amount taken for income tax purposes..
Management.....	40%
Accounting.....	50%
Legal.....	Actual cost
Advertising.....	Actual cost
General expense.....	50%
Group Insurance and
Compensation.....	66 $\frac{2}{3}$ %
Light and Heat.....	75%
Office expense.....	50%
Stationery and Tickets.	Actual cost
Telephone.....	25%
Interest on money bor- rowed for purposes related to City opera- tions.....	Actual cost
TOTAL.....	\$.....

Calculation of price per mile—

(a) Miles travelled in City operations

(b) Charged to City operations

(c) Cost per mile—City operations $\frac{(b)}{(a)} =$

(d) Allowance 3.3c.

Price per mile—(c) plus (d) =

3. It is acknowledged that the percentage allocations to City operations of the total cost of the operations of the Party of the second part, as set out in Schedule "B", are variable and subject to adjustment from time to time as may be agreed between the Parties, and that failing agreement on such adjustment, the allocation is to be settled by arbitration under the provisions of *The Arbitrations Act*.

4. In all other respects the Agreement of the 18th of October, 1957, shall continue in full force and effect.

5. This Agreement shall become effective when ratified by special legislation of the Legislative Assembly of the Province of Ontario, and shall be retroactive to July 1st, 1960.

6. This Agreement shall be binding upon the Parties hereto, their successors and assigns.

IN WITNESS WHEREOF the Parties have hereunto affixed their Corporate seals duly attested by the hands of their proper Officers.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE CORPORATION OF THE CITY OF
CHATHAM:

G. R. NEWKIRK,
Mayor.

(Seal)

WM. L. FOREMAN,
Clerk.

J. I. DENURE (CHATHAM) LIMITED:

J. I. DENURE,
President.

(Seal)

CHAPTER 110

An Act respecting the Town of Cochrane

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Town of Cochrane Preamble
by its petition has represented that the Corporation has been required by The High School Board of the Town of Cochrane to borrow the sum of \$240,000 by the issue of debentures for the purpose of paying for the construction of the addition of four rooms and gymnasium to the existing Cochrane high school, with equipment, and renovation to the existing high school; and whereas the petitioner has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 984 of The Corporation of the Town of Cochrane, which was read a first and second time on the 11th day of October, 1960, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$240,000 to pay the costs of constructing the addition of four rooms and gymnasium to the existing Cochrane high school, with equipment, and renovation to the existing high school, is hereby declared to be, without the approval of the Ontario Municipal Board, a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Debenture by-law confirmed

2. Sections 58, 59, 60 and 61 of *The Ontario Municipal Board Act* apply in respect of By-law No. 984 and the debentures to be issued thereunder. Application of R.S.O. 1960, c. 274

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Town of Cochrane Act*, 1960-61. Short title

SCHEDULE

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW No. 984

BEING A BY-LAW to authorize the borrowing of \$240,000.00 on the issue of debentures to provide for the addition of four rooms and gymnasium to The Cochrane High School Board of the Town of Cochrane, in the District of Cochrane.

WHEREAS it is expedient to borrow for the addition of four rooms and gymnasium to the Cochrane High School, for the High School Board of the Town of Cochrane, a sum not exceeding \$240,000.00 upon the credit of the Corporation, to issue debentures therefor bearing interest at the rate of six per centum per annum payable annually and to provide for the discount and expenses incidental to negotiations and sale of such debentures.

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty years next after date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same, subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that, notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$3,098,567.00;

AND WHEREAS the amount of the existing debenture debts of the Corporation, exclusive of local improvement debts secured by special rates of assessment, is \$720,000.00, and no part of the principal or interest of such debt is in arrears;

AND WHEREAS by Order dated the day of 19 , the Ontario Municipal Board has approved the purpose of such borrowing and the passing of all requisite by-laws, including debenture by-laws.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COCHRANE enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding Two Hundred and Forty Thousand Dollars (\$240,000.00) and shall issue debentures therefor in sums of not less than \$50.00 each. Each debenture shall bear interest at the rate of six per centum per annum payable annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time, and within two years after the date on which this by-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of twenty years next after the date of issuance thereof, and the respective amounts of principal and interest payable in each year shall be the amount so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be payable at the Bank of Nova Scotia, Cochrane, Ontario, or the principal offices of the Bank of Nova Scotia, Toronto, Ontario, or Montreal, Quebec.

4. The said debentures shall be sealed with the seal of the Corporation and signed by the head of the Council, or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature may be written, stamped, lithographed or engraved.

5. Commencing in the year 1961 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon all the rateable property in the Municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures, the head of the Council and the Treasurer may raise, for the purpose aforesaid by way of a loan on such debentures, any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the said debentures, either in whole or in part on any date prior to the maturity at the places where and in the monies in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention to so redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any debenture that has a later maturity date.

READ A FIRST AND SECOND TIME this 11th day of October, A.D. 1960.

READ A THIRD TIME AND FINALLY PASSED this day of
 , A.D. 1960.

Mayor.

Clerk.

Schedule "A"

TOWN OF COCHRANE

No. of Years	Principal	Interest	Total Yearly Payments
1.	\$ 12,000.00	\$ 14,400.00	\$ 26,400.00
2.	12,000.00	13,680.00	25,680.00
3.	12,000.00	12,960.00	24,960.00
4.	12,000.00	12,240.00	24,240.00
5.	12,000.00	11,520.00	23,520.00
6.	12,000.00	10,800.00	22,800.00
7.	12,000.00	10,080.00	22,080.00
8.	12,000.00	9,360.00	21,360.00
9.	12,000.00	8,640.00	20,640.00
10.	12,000.00	7,920.00	19,920.00
11.	12,000.00	7,200.00	19,200.00
12.	12,000.00	6,480.00	18,480.00
13.	12,000.00	5,760.00	17,760.00
14.	12,000.00	5,040.00	17,040.00
15.	12,000.00	4,320.00	16,320.00
16.	12,000.00	3,600.00	15,600.00
17.	12,000.00	2,880.00	14,880.00
18.	12,000.00	2,160.00	14,160.00
19.	12,000.00	1,440.00	13,440.00
20.	12,000.00	720.00	12,720.00
	<u>\$240,000.00</u>	<u>\$151,200.00</u>	<u>\$391,200.00</u>

CHAPTER 111

**An Act respecting
Eno-Scott & Bowne (Brazil) Limited**

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

WHEREAS Eno-Scott & Bowne (Brazil) Limited, herein Preamble
called the Company, by its petition has represented that it was incorporated by letters patent dated the 30th day of March, 1954, under the seal of the Provincial Secretary of the Province of Ontario under the name of Eno-Scott & Bowne (Brazil) Limited; and whereas the Company has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The shareholders of the Company may authorize the transfer of the head office of the Company from the Township of North York in the Province of Ontario, Canada, to the City of Rio de Janeiro in the State of Guanabara, one of the United States of Brazil, and may authorize an application for a decree pursuant to Article 71, Decree-Law No. 2.627 of the 26th day of September, 1940, of the United States of Brazil providing for the assumption of Brazilian nationality by the Company. Transfer of head office and assumption of Brazilian nationality

(2) Such authorizations shall be by resolutions of the shareholders of the Company passed at a general meeting of the shareholders, duly called in accordance with the by-laws of the Company, by the unanimous vote of all the shareholders present in person or represented by proxy thereat, and the resolutions shall be valid only if all the issued and outstanding shares of the Company are voted in favour of such resolutions. Authorizations by resolutions

(3) If the resolutions are passed as provided in this section, the Company may transfer its head office from the said Township of North York to the said City of Rio de Janeiro. Head office

Change
of name

2.—(1) The shareholders of the Company may authorize the change of the name of the Company to a name that is in compliance with the laws of the United States of Brazil and the adoption of by-laws to change the constitution of the Company, which change of name and by-laws shall be effective upon and after the date of a decree issued to the Company pursuant to Article 71 of Decree-Law No. 2.627 of the 26th day of September, 1940, of the United States of Brazil, if such decree is issued not later than the 31st day of December, 1963.

Authoriza-
tions by
resolutions

(2) Such authorizations shall be by resolutions of the shareholders of the Company passed at a general meeting of the shareholders, duly called in accordance with the by-laws of the Company, by the unanimous vote of all the shareholders present in person or represented by proxy thereat and the resolutions shall be valid only if all the issued and outstanding shares of the Company are voted in favour of such resolutions.

Change of
name

(3) If the resolutions are passed as provided in this section and if a decree is thereafter issued to the Company on or before the 31st day of December, 1963, pursuant to Article 71 of Decree-Law No. 2.627 of the 26th day of September, 1940, of the United States of Brazil, the change of name of the Company and the by-laws passed in accordance with subsection 1 thereupon become effective.

Application
of 1953, c. 19

3. Upon and after the date of a decree issued to the Company pursuant to Article 71 of Decree-Law No. 2.627 of the 26th day of September, 1940, of the United States of Brazil, if such decree is issued not later than the 31st day of December, 1963, *The Corporations Act, 1953* of Ontario and any successor thereof does not apply to the Company.

Issue of
certificate
by
Provincial
Secretary

4. The Provincial Secretary may, on receipt by him of an original counterpart of a decree issued pursuant to Article 71 of Decree-Law No. 2.627 of the 26th day of September, 1940, of the United States of Brazil, or a copy thereof certified by an official thereunto authorized by the laws of the United States of Brazil, issue a certificate to the Company confirming the date on which the provisions of section 3 take effect.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Eno-Scott & Bowne (Brazil) Limited Act, 1960-61*.

CHAPTER 112

An Act respecting the City of Niagara Falls and the Township of Stamford

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Niagara Falls Preamble and The Corporation of the Township of Stamford by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means The Corporation of the City of Niagara Falls;
- (b) "Commission" means the Greater Niagara Transit Commission;
- (c) "system" means the public bus transportation system established under the authority of this Act;
- (d) "Township" means The Corporation of the Township of Stamford.

2.—(1) The councils of the City and the Township may, by by-law, establish a commission to establish, maintain, operate and extend a public bus transportation system, under the name "Greater Niagara Transit Commission", within the City of Niagara Falls and the Township of Stamford and, subject to the approval of the council of any adjoining municipality, within such adjoining municipality. Commission, establish-
ment

(2) The councils of the City and the Township are authorized to raise upon the debentures of the City and the Township a sum not to exceed \$280,000 to acquire real or personal property for the use of the Commission in its first year of operation, which sum shall be raised and contributed in equal shares by each council. Debentures
re first
year

Commission
members

3.—(1) The Commission is a body corporate and shall consist of six members, as follows:

1. The mayor of the City, during his term of office.
2. The reeve of the Township, during his term of office.
3. Two members appointed by the council of the City, one of whom shall be appointed for a term of two years and the other for a term of one year, and thereafter each member shall be appointed for a term of two years.
4. Two members appointed by the council of the Township, one of whom shall be appointed for a term of two years and the other for a term of one year, and thereafter each member shall be appointed for a term of two years.

Chairman

(2) The members of the Commission shall, at the first meeting in each year, appoint one of their number to be chairman and one of their number to be vice-chairman, who shall hold office for a period of one year or until their successors are appointed.

Quorum

(3) Four members, of whom one shall be the mayor or reeve, constitute a quorum.

Remunera-
tion

(4) Each member of the Commission is entitled to receive as remuneration the sum of \$650 per annum or such other sum as may be fixed by resolution of the Commission with the consent of the councils of the City and the Township.

Eligibility
for re-
appointment

(5) A member of the Commission is eligible for re-appointment upon the expiration of his term of office, provided he is otherwise qualified.

Filling of
vacancies

(6) Where a vacancy occurs from any cause, the council that made the appointment of the member whose office is vacant shall appoint a member, who shall hold office for the remainder of the term of his predecessor.

Qualifica-
tions of
members

4.—(1) Every person is qualified to be appointed a member of the Commission who,

- (a) is a householder residing in the City or the Township or is rated on the last revised assessment roll of the City or the Township for land held in his own right for an amount sufficient to entitle him to be

entered on the voters' list in either municipality and resides in or within five miles of either municipality;

(b) is entered on the last revised voters' list and is qualified to vote at municipal elections;

(c) is a British subject;

(d) is of the full age of twenty-one years; and

(e) is not disqualified under this Act.

(2) The rating for land shall be in respect of a freehold or ^{Rating for land} leasehold legal or equitable, or partly of each.

(3) In this section, "householder" means a person who ^{Interpretation} occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling.

5.—(1) The following are not eligible to be appointed a ^{Disqualification of members} member of the Commission or entitled to sit or vote therein and, where any member becomes so disqualified, his seat shall forthwith be deemed vacant:

1. A member of the council of the City or of the Township, other than the mayor and reeve, during his term of office or, in the event that for any reason he ceases to be a member of such council, during the unexpired term for which he was elected.

2. An assessment commissioner, an assessor, a collector of taxes, a treasurer or a clerk or any other officer, employee or servant of the City or the Township.

3. Notwithstanding subsection 6 of section 35 of *The Municipal Act*, a person, other than the heads of the councils, who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the City or the Township is entrusted under *The Public Utilities Act*, *The Power Commission Act* or any special Act. ^{R.S.O. 1960, c. 249}

4. A person who either himself or by or with or through another is counsel or solicitor in the prosecution of any claim, action or proceeding against the City, Township or Commission, or in opposing or defending any claim, action or proceeding by the City, Township or Commission.

5. A person having himself or by or with or through another an interest in any contract with the City or Township or with the Commission or person acting for the City, Township or Commission, or in any contract for the supply of goods or materials to a contractor for work for which the City, Township or Commission pays or is liable directly or indirectly to pay, or that is subject to the control or supervision of the council of the City or Township or of the Commission, or of any officer thereof, or who has an unsatisfied claim for such goods or materials.
6. A person who either himself or by or with or through another has any claim, action or proceeding against the City, Township or Commission.
7. A person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario.
8. A person whose taxes at the time of the appointment are overdue or unpaid.

Application
of
shareholder

(2) This section does not apply to a person by reason only of his being a shareholder in an incorporated company having dealings with or a contract with either the City, the Township or the Commission.

Powers of
Commission

6. The Commission has power,

- (a) by purchase or otherwise, to acquire and hold land in its own name for the purposes of the system;
- (b) to acquire, purchase or lease any real or personal property required for the establishment, operation, maintenance or extension of the system;
- (c) subject to *The Highway Traffic Act* and *The Public Vehicles Act*, to transport and convey passengers throughout Ontario, whether by chartered trip or otherwise;
- (d) to make regulations with respect to the operation and control of the system;
- (e) subject to *The Public Vehicles Act*, to fix transportation fares or tolls, provided that no increase or decrease in the initial fares and tolls shall be effective until it has first been approved by the councils of the City and the Township;

R.S.O. 1960,
cc. 172, 837

- (f) to enter into an agreement with the approval of the City and the Township with any adjoining municipality, within or without Ontario, with respect to terms upon which public bus transportation shall be furnished by the Commission to, from, or within, such municipality;
- (g) to appoint such officers and hire such employees as the Commission deems advisable for the operation and control of the system;
- (h) to invest any reserve funds of the Commission in authorized trustee investments.

7. The rights conferred on the councils of the City and the Township and on the Commission by this Act to maintain and operate buses for the conveyance of passengers within the City of Niagara Falls and the Township of Stamford are exclusive as against all other persons, but do not affect any licence granted under *The Public Vehicles Act* or under by-^{Exclusive Rights} R.S.O. 1960, c. 337 laws of the Township or by-laws of the police commission of the City.

8. The Commission may sue and be sued in its own name, ^{Claims} and all claims, suits, accounts and demands arising from or relating to the operation, management or control of the system or from the exercise of any of the powers of the Commission shall be made upon and brought against the Commission and not upon or against the City or the Township.

9. The Commission shall at all times cause to be insured ^{Insurance} all real and personal property of the Commission, and such insurance shall include public liability and indemnity insurance in connection with all phases of the operation of the Commission, except only such items of liability as may be covered by *The Workmen's Compensation Act*. R.S.O. 1960, c. 437

10. The Commission shall, so far as possible, fix transportation fares and tolls and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation, debt charges and reserves as it thinks proper. ^{Fares and tolls}

11. The fiscal year of the Commission is the calendar year ^{Audit} and the accounts of the Commission shall be audited, at the expense of the Commission, by a public accountant, and the Commission shall, by the 15th day of February in each year, deliver to the councils of the City and the Township a complete audited and certified financial report, including a balance sheet

of assets and liabilities and a statement of revenue and expenditures and surplus or deficit.

Operating
deficits

12. The Commission shall, before the 15th day of February in each year, submit to the councils of the City and the Township a statement or an estimate of any moneys required to pay any estimated deficit of the system as at the end of the preceding calendar year, and each council shall include one-half of the same in its estimates for the year and shall pay over to the Commission on or before the 1st day of April of the same year the amount of one-half of any such net operating deficit, as shown by the auditor's statement, for such calendar year.

Costs of
improve-
ments

13.—(1) The Commission shall not undertake the purchase of land, equipment or any extension or improvement of the system, the cost or any part of the cost of which is to be or may be provided for by the City or the Township, unless an estimate of the expenditure required is first submitted to the councils of the City and the Township, and such expenditure is approved by both councils.

Levy of
costs

(2) The councils of the City and the Township may approve any such expenditure and cause the same to be raised by levy or by the issue and sale of debentures.

Application
to mainten-
ance costs

(3) Subsection 1 does not apply to expenditures for the maintenance or renewal of existing equipment, provided that such expenditures are properly chargeable to the operating expenses of the year in which they are made and provided also that such expenditures are not to be met by the issue and sale of debentures.

Debenture
payments
out of
revenues

14. The Commission shall provide for and pay over to the City and the Township in equal proportions, but only out of the net revenues of the system, such amounts as may be required to pay and retire principal and interest charges on any debentures issued by the City or the Township with respect to the acquisition, extension or improvement of the system.

Assent of
electors

15. It is not necessary to obtain the assent of the electors, or any class thereof, to any by-law passed by the City or by the Township under this Act, including any by-law passed to authorize the issue of debentures for the purposes of the system, but every such by-law requires the approval of the Ontario Municipal Board.

Temporary
borrowing

16. The Commission may, with the consent of the councils of the City and the Township, borrow by way of temporary loans from any chartered bank to meet the expenses of the system.

17. This Act shall be deemed to have come into force on the 1st day of September, 1960. ^{Commence-}_{ment}

18. This Act may be cited as *The Greater Niagara Transit Commission Act, 1960-61*. ^{Short title}

CHAPTER 113

An Act respecting the City of Hamilton

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Hamilton Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Subsection 1 of section 1 of *The City of Hamilton Act*, 1951, c. 103,
1951, as amended by subsection 1 of section 5 of *The City of* amended s. 1, subs. 1,
Hamilton Act, 1958, is further amended by striking out "and"
at the end of clause *r* and by adding thereto the following
clauses:

- (*t*) for prohibiting or regulating, subject to the provisions prohibition or regulation of manu-
facturing, etc., of dangerous substances
of *The Energy Act, The Factory, Shop and Office*
Building Act, The Gasoline Handling Act and *The*
Ontario Energy Board Act, and the regulations there- R.S.O. 1960, cc. 122, 130, 161, 271
under, as such Acts and regulations may be amended
from time to time, the manufacturing, storing, keep-
ing, having, handling or using within the City of
Hamilton, or within any defined area or areas
thereof, of any toxic, corrosive, inflammable, explo-
sive or other dangerous, gaseous liquid or solid
substance, or any class or classes of them, other than
such kinds and quantities as may be prescribed in
the by-law and excepting explosives as defined in
subsection 2*a*, and for prohibiting or regulating the
transportation of any of such substances, or of any
class or classes of them, other than such kinds or
quantities as may be prescribed by the by-law, from
any place within the City to any other place within
the City; and
- (*u*) subject to the provisions of those Acts and regula- licensing manu-
facturers, etc.
tions mentioned in clause *t*, for examining, licensing,
regulating and governing persons who manufacture,

store,

store, keep, have, handle or use within the City of Hamilton any of the substances that may be the subject of a by-law passed under clause *t*, and for prescribing the terms and conditions under which any of the substances may be manufactured, stored, kept, had, handled or used.

1951, c. 103,
s. 2, subs. 1,
cl. *m*,
re-enacted

2.—(1) Clause *m* of subsection 1 of section 2 of *The City of Hamilton Act, 1951* is repealed and the following substituted therefor:

finer

(*m*) for imposing fines of not more than \$300, exclusive of costs, upon every person who contravenes any provision of any by-law passed under the authority of this section and upon every person who fails to comply with any lawful order of the Chief Smoke Inspector, and for providing that every day of default of compliance with any provision of any such by-law or with any such lawful order shall constitute a separate offence, and that all such fines shall be recoverable under *The Summary Convictions Act*.

R.S.O. 1960,
c. 387

1951, c. 103,
s. 2,
subss. 5-10,
repealed

(2) Subsections 5, 6, 7, 8, 9 and 10 of the said section 2 are repealed.

1893, c. 90,
s. 1,
amended

3. Section 1 of *An Act respecting the Hamilton Street Railway Company*, being chapter 90 of the Statutes of Ontario, 1893, is amended by striking out “five” in the fourth line and inserting in lieu thereof “three”, so that the section shall read as follows:

Power to
change the
number of
directors

1. The directors of the company may by by-law from time to time increase the number of directors beyond the number of seven, or may reduce the number to any number not less than three, and a majority of the total number of directors shall constitute a quorum; provided that such by-law shall not have any force or effect till the same shall have been ratified by three-fourths in value of the stockholders of the company present or represented by proxy at a special general meeting to be called and held for that purpose.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1960-61*.

CHAPTER 114

An Act respecting the Town of Leaside

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Town of Leaside, Preamble
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Notwithstanding section 62 of *The Local Improvement Act*, all lands within Plan M-736, filed in the office of land titles at Toronto, that are owned by the Corporation shall not be specially assessed for local improvements under *The Local Improvement Act*. Municipal land not assessed for local improvements R.S.O. 1960 c. 223

(2) Subject to subsection 3, the portion of the cost of any local improvement work that would, but for subsection 1, be specially assessed against lands owned by the Corporation shall, subject to section 28 of *The Local Improvement Act*, be specially assessed upon the remaining lands within the said Plan M-736 by an equal special rate per foot on frontage upon the highways within the said Plan M-736. Special inter-sections

(3) Where lands shown as one or more blocks on the said Plan M-736, Subdivision of blocks on Plan M-736

- (a) become subdivided in whole or in part before the passing of a by-law providing for the undertaking of a local improvement work, the by-law may define such subdivided lands or any part thereof as an area and provide that the special assessments that would have been assessed against the lands in the area under subsection 2 and under *The Local Improvement Act*, including any assessments that would otherwise become part of the Corporation's share by reason of any new street provided for in such subdivision, shall be assessed and levied on the rateable property in the area; or

(b)

- (b) become subdivided in whole or in part after the passing of a by-law providing for the undertaking of a local improvement work, the provisions of section 39 of *The Local Improvement Act* apply *mutatis mutandis*.

R.S.O. 1960,
c. 223

Filling of
vacancy on
Board of
Education
R.S.O. 1960,
c. 362

2.—(1) Notwithstanding *The Secondary Schools and Boards of Education Act*, a majority of the members of The Board of Education for the Town of Leaside shall, at its first regular meeting after this Act comes into force, elect some qualified person to fill the vacancy now existing and the person so elected shall hold office until his successor is elected and a new board is organized and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Board
deemed
properly
constituted

(2) Notwithstanding the vacancy in the membership of the Board before this Act comes into force, the Board shall be deemed to have been properly organized and constituted.

Commence-
ment

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 21st day of February, 1958.

Short title

4. This Act may be cited as *The Town of Leaside Act, 1960-61*.

CHAPTER 115

An Act respecting the City of London

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of London, Preamble
herein called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Subject to any general Act hereafter enacted, the Cor- Licensing
and
regulating
laundromats,
etc.
poration is authorized and empowered to pass by-laws,

(a) regulating and governing laundreterias, laundromats
and washing machines and dryers for use by the
public, including coin-operated washing machines
and dryers;

(b) licensing, regulating and governing persons or cor-
porations carrying on the business of making avail-
able to the use of the public any of such services or
machines, and for revoking such licences.

2. The Corporation is authorized and empowered to refund Refund of
taxes
the sum of \$356.51 in respect of taxes paid in the year 1959
upon premises at 93 King Street, in the City of London, which
were erroneously assessed.

3.—(1) The London Transportation Commission has the Exclusive
right to
operate bus
service
exclusive right within the City of London to maintain and
operate a bus service that picks up and discharges passengers
within the limits of the City, including, without limiting the
foregoing, transportation within the limits of the City by
charter, contract, special trips or otherwise.

(2) The Corporation is empowered to pass by-laws imposing Penalties
such penalties as are provided for contravention of by-laws

under

R.S.O. 1960, c. 249, under *The Municipal Act* upon any other person or corporation who carries on such service within the limits of the City.

Application
to school
boards

(3) Subsection 1 does not apply to transportation provided for students by The Board of Education for the City of London or The Board of Trustees of the Roman Catholic Separate Schools for the City of London or the Association for the Help of Retarded Children or for patients by the London and District Children's Treatment Centre.

Sewage
disposal
plants
R.S.O. 1960,
c. 281

4.—(1) Notwithstanding *The Ontario Water Resources Commission Act*, the Corporation is authorized and empowered, with the approval of the Ontario Water Resources Commission,

- (a) to acquire, own, manage and operate all sewage disposal plants or trunk sewers, whether complete and in operation or otherwise, that are within the limits of the City of London and which were formerly within the Township of London;
- (b) to enter into agreements with the Ontario Water Resources Commission for any of the said purposes;
- (c) to raise money, with the approval of the Ontario Municipal Board, for any of the said purposes by debentures or otherwise without the assent of the electors.

Levy

(2) The Corporation is authorized and empowered by by-law to levy the moneys required for all or any of such purposes upon all the rateable property of the City and may repeal any provision of any by-law whereby the cost of sewage disposal plants, trunk sewers or sewage treatment is levied in any other manner.

By-laws of
London and
Westminster
townships
deemed
by-laws of
City,
authority
to amend
R.S.O. 1960,
cc. 223, 249

5.—(1) The provisions of the by-laws of the Township of London and of the Township of Westminster that provide under *The Local Improvement Act* or *The Municipal Act* for the construction of works and the levying of rates or charges therefor within the parts of the townships that have been annexed to the City of London shall be deemed to be by-laws of the City of London and the council of the City is authorized and empowered by by-law to repeal or amend any or all of such by-laws for the purpose of bringing the by-laws into conformity with the policies of the City of London in respect of the apportionment of the cost of the works and the charges imposed or to be imposed for sewage disposal plant construction, operation or maintenance or for sanitary or storm sewer

construction,

construction, including sewers which by reason of their size may be in part for the benefit of lands abutting the work and in part for the service of an area.

(2) If a construction by-law is amended, any by-law levying rates or charges or by-law for the issuing of debentures may be amended or enacted to give effect to the amendments to the construction by-law, provided that no such debenture by-law shall alter any obligation to a debenture holder.

Authority to amend levy and debenture by-laws

6.—(1) Subsection 1 of section 14 of *The City of London Act, 1913* is repealed and the following substituted therefor:

1913, c. 103, s. 14, subs. 1, re-enacted

(1) The Council of The Corporation of the City of London shall in every second year, effective for the year 1963, appoint the four appointed members of The London Railway Commission who, while qualified, shall hold office for a term of two years and until their successors are appointed and take office.

Term of office of Commissioners

(2) The members of The London Railway Commission appointed in January, 1961, shall, while qualified, hold office until the 31st day of December, 1962, or until their successors are appointed and take office.

Present members

7. Section 22 of *The City of London Act, 1906* is repealed.

1906, c. 76, s. 22, repealed

8. The Corporation is authorized and empowered to enter into an agreement with Her Majesty the Queen in right of Canada or a department of the Government of Canada for the leasing, sale or other disposition of all or any of the lands acquired by the Corporation in the Township of West Nissouri for airport purposes, including lands acquired adjacent thereto, upon such terms and conditions and for such consideration, nominal or otherwise, as to the council of the Corporation may appear proper and to carry out any such lease, sale or other disposition.

Leasing or disposal of airport lands by City

9.—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Commencement

(2) Sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 1961.

Idem

10. This Act may be cited as *The City of London Act, 1960-61*.

Short title

CHAPTER 116

An Act respecting Meadowvale Botanical Gardens

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS Meadowvale Botanical Gardens, a corpora- ^{Preamble}
tion incorporated under *The Corporations Act, 1953*, by ^{1953, c. 19}
its petition has prayed for special legislation in respect of the
matters hereinafter set forth; and whereas it is expedient to
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Notwithstanding any special or general Act, the ^{Tax}
council of The Corporation of the Township of Toronto may ^{exemption}
pass by-laws exempting from taxes for municipal or school
purposes or both, other than local improvement rates, the
land, as defined in *The Assessment Act*, of Meadowvale Botani- ^{R.S.O. 1960,}
cal Gardens situate in the Township of Toronto, in the County ^{c. 23}
of Peel, and being composed of parts of Lots 11 and 12 in
the Third Concession west of Hurontario Street, more par-
ticularly described in the Schedule hereto, provided that the
land is owned by Meadowvale Botanical Gardens and occupied
by, used solely and carried on for the purposes of Meadowvale
Botanical Gardens, on such conditions as may be set out in
the by-law.

(2) The council may by by-law cancel all arrears of taxes and ^{Cancellation}
any interest or penalties thereon for the period from January 1, ^{of arrears}
1960, until the day this Act comes into force, levied by
the Township of Toronto in respect of such land, and release
Meadowvale Botanical Gardens and its property from all
liability therefor.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Meadowvale Botanical* ^{Short title}
Gardens Act, 1960-61.

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Toronto, in the County of Peel, and being composed of Part of Lots 11 and 12 in the Third Concession, West of Hurontario Street, and which said parcel of land may be more particularly described as follows:

Premising that the course of the Road Allowance between Lots 10 and 11 across the West half of Concession 3, W.H.S., has a course of N. 38° 34' E. and relating all bearings herein thereto:

COMMENCING at iron bar planted in the north-westerly limit of the said road allowance between Lots 10 and 11 distant 1519' 11" measured north-easterly therealong from the most southerly angle of Lot 11;

Thence N. 46° 10' W. along a fence line a distance of 1609' 7¼" to an iron bar planted in the easterly limit of the lands of the Canadian Pacific Railway;

Thence N. 4° 26' E. therealong 302' 1¼" to an iron pipe planted;

Thence continuing northerly along the easterly limit thereof along a wire fence being on a circular curve of a radius of 1713' 0" the chord of which has a bearing of N. 9° 02' E. and a distance of 437' 3¼" to an iron pipe planted in the existing limit between Lots 11 and 12;

Thence N. 37° 10' E. therealong 192' 6" to an iron pipe planted in the limit between the East and West halves of Lot 12;

Thence N. 45° 47' W. a distance of 299' 0" to an iron pipe planted;

Thence N. 44° 37' W. still along the limit between the East and West halves of Lot 12 a distance of 886' 7¼" to an iron pipe planted;

Thence N. 43° 55' W. therealong 418' 9½" to an iron pipe planted;

Thence S. 77° 33' E. a distance of 140' 0" to a point in the south-westerly limit of the lands of the Canadian Pacific Railway;

Thence N. 11° 48' E. a distance of 268' 11½" to an iron pipe planted;

Thence N. 38° 54' E. a distance of 66' 0" to a point in the north-easterly limit thereof;

Thence N. 30° 08' E. a distance of 512' 3" to an iron bar planted;

Thence N. 52° 03' E. a distance of 223' 1¼" to an iron pipe planted;

Thence N. 32° 52' E. a distance of 240' 0" to an iron pipe planted;

Thence S. 67° 31' E. a distance of 464' 7¼" to an iron pipe planted;

Thence S. 32° 13' E. a distance of 221' 11" to an iron bar planted;

Thence in a southerly direction along the westerly bank of a westerly branch of the Credit River as shown on the attached Plan through the following courses and distances:—

S. 17° 30' W. a distance of 428' 5";

S. 7° 26' W. a distance of 254' 2½";

S. 62° 45' E. a distance of 516' 2½";

to the intersection with the westerly bank of the main channel of the Credit River;

Thence

Thence in a southerly direction therealong as shown on the attached Plan through the following courses and distances:

S. $22^{\circ} 39'$ E. a distance of $568' 0''$;
 S. $67^{\circ} 45'$ E. a distance of $156' 2\frac{1}{2}''$;
 S. $34^{\circ} 29'$ E. a distance of $566' 0''$;
 S. $8^{\circ} 55'$ W. a distance of $357' 0''$;
 S. $44^{\circ} 57'$ E. a distance of $110' 5''$;
 S. $75^{\circ} 17'$ E. a distance of $275' 6''$;
 N. $71^{\circ} 02'$ E. a distance of $265' 9\frac{1}{2}''$;
 S. $21^{\circ} 40'$ E. a distance of $229' 5''$;
 S. $32^{\circ} 51'$ W. a distance of $209' 1\frac{1}{4}''$;
 S. $23^{\circ} 55'$ W. a distance of $274' 5''$;
 S. $6^{\circ} 03'$ W. a distance of $471' 0''$;

to the intersection with the north-westerly limit of the road allowance between Lots 10 and 11;

Thence south-westerly therealong $672' 11\frac{1}{2}''$ to the point of commencement.

SAVING AND EXCEPTING thereout and therefrom those lands now owned by the Canadian Pacific Railway and described more particularly as follows:

COMMENCING at an iron pipe planted at the intersection of the easterly limit thereof and the limit between the East and West halves of Lot 12, distant $182' 9\frac{1}{2}''$ measured north-westerly therealong from the south-easterly limit of Lot 12;

Thence northerly in a circular curve to the left having a radius of $1436' 6''$, an arc distance of $1383' 9\frac{1}{2}''$ to the end of the said curve;

Thence N. $51^{\circ} 06'$ W. a distance of $282' 9\frac{1}{2}''$;

Thence S. $38^{\circ} 54'$ W. a distance of $66' 0''$;

Thence S. $51^{\circ} 06'$ E. a distance of $282' 9\frac{1}{2}''$;

Thence southerly along a circular curve to the right having a radius of $1368' 6''$, an arc distance of $941' 2\frac{1}{2}''$;

Thence S. $4^{\circ} 23'$ W. a distance of $65' 9\frac{1}{2}''$;

Thence S. $5^{\circ} 51'$ E. a distance of $200' 8\frac{1}{2}''$ to the said limit between the East and West halves of Lot 12;

Thence south-easterly therealong $116' 2\frac{1}{2}''$ to the point of commencement.

Subject to a right-of-way over a $66'$ strip of land in favour of The Hydro-Electric Power Commission to erect and maintain at all times a transmission line together also with the right to keep the said right-of-way clear of trees and structures as set forth in registered Instrument No. 43628, and which said lands are described in registered Instrument No. 116510 for the Township of Toronto and shown outlined in red on the Plan of Survey made by H. D. Sewell, O.L.S., and dated the 8th day of October, 1958, attached to the said Instrument.

CHAPTER 117

An Act respecting Montreal Trust Company

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS Montreal Trust Company, herein called the Preamble
Company, by its petition has represented that it was incorporated under the name of "Montreal Safe Deposit Company" by *An Act to incorporate the Montreal Safe Deposit Company*, herein called the Act of Incorporation, being chapter 72 of the Statutes of Quebec, 1889; that the Act of Incorporation was amended by chapter 75 of the Statutes of Quebec, 1890, chapter 78 of the Statutes of Quebec, 1892, chapter 70 of the Statutes of Quebec, 1895 (which amendment provided, among other things, for the name of the Company to be changed to "Montreal Trust and Deposit Company"), chapter 77 of the Statutes of Quebec, 1900, chapter 115 of the Statutes of Quebec, 1909 (which amendment provided, among other things, for the name of the Company to be changed to "Montreal Trust Company"), chapter 139 of the Statutes of Quebec, 1930, and chapter 121 of the Statutes of Quebec, 1934; that by an order in council, approved by the Lieutenant Governor of Ontario on the 6th day of July, 1909, the Company was licensed to carry on certain of its business in Ontario as and from the 11th day of March, 1909, with the powers and subject to the conditions and limitations mentioned and set forth in the report of the Provincial Secretary of Ontario, dated the 9th day of March, 1909, referred to in the order in council; that the Company was registered on the Trust Companies Register kept pursuant to *The Loan and Trust Corporations Act*, being chapter 205 of the Revised Statutes of Ontario, 1897, on the 21st day of January, 1913, and has continued to be so registered under that Act and successor Acts to this date; that the Company's present authorized capital is \$2,500,000, divided into 500,000 shares of the par value of \$5 each of which 406,575 shares have been allotted and issued and are paid in full in the sum of \$2,032,875; and that the Company has given security to the Province of Ontario in the sum of \$250,000 and has filed with the Registrar appointed under *The Loan and Trust Corporations Act* a power of attorney as required by section 120 of that Act; and whereas the powers granted to the Company by the order in council dated the 6th day of July, 1909,

R.S.O. 1960,
c. 222

exceed

exceed the powers set out in *The Loan and Trust Corporations Act*, and the Company has prayed for special legislation defining its authority and powers as an extra-provincial trust corporation to transact the business of a trust company in Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Registration
under
R.S.O. 1960,
c. 222

1. The admissibility of the Company to registry under *The Loan and Trust Corporations Act* is hereby confirmed and, while so registered, the Company is authorized and empowered to carry on in Ontario the business of a trust company and to exercise all or such of the powers of a trust company set forth in that Act that are within the capacity of the Company.

Further
security

2. The Lieutenant Governor in Council may, at any time or from time to time by notice in writing to the manager of the chief agency of the Company in Ontario, require an increase in or authorize a decrease or change in the amount of the security now given or that may hereafter be given by the Company to the Province of Ontario, and, if the Company fails to furnish increased security within two months after receipt of notice requiring it to furnish the same, then and thereupon the Company, *ipso facto*, becomes disentitled to carry on further business in Ontario until increased security is furnished.

Chief
agency in
Ontario

3. The chief agency of the Company for Ontario shall be in the City of Toronto and the Company shall keep at such chief agency a manager who, as well as all other officers at the chief agency or in Ontario, is, in respect of all business transacted by the Company in Ontario, absolutely subject to the control of the courts of Ontario as fully as if the head office of the Company were in Ontario, and as if the Company were wholly managed and controlled in Ontario.

Investments

4. All investments, comprising trust assets under administration by the Company in Ontario, shall, subject to the provisions, if any, contained in the deed, will or other applicable instrument of trust and subject to the direction, if any, of the Supreme Court or of any judge thereof, be trust securities in which trustees are, by the laws of Ontario, authorized to invest trust funds and shall be held and retained at all times at one or other of the Company's agencies in Ontario, subject to the control and direction of the manager of the Company's chief agency in Ontario and of the courts of Ontario.

5. In respect of all business relating to property and civil rights or provincial objects in Ontario, the Company is limited to the powers mentioned in *The Loan and Trust Corporations Act* and is subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Extent of
powers

R.S.O. 1960,
c. 222

6. Moneys, properties and securities received or held by the Company upon trust for or as agent of any person or corporation are not liable for the debts or obligations of the Company.

Trust
property

7. In the case of the appointment of the Company to any trust or office by any court or judge in Ontario, such court or judge may at any time and from time to time require the Company to render an account of its administration of the particular trust or office to which the Company has been so appointed, and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security offered to those by or for whom its engagements are held, and such person shall make a report to the court or judge and the costs and expenses of the investigation shall be borne as ordered by the court or judge.

Jurisdiction
of courts
and judges
in Ontario

8. Nothing in this Act shall be deemed to authorize the Company to carry on business in Ontario unless it is registered as required by *The Loan and Trust Corporations Act*.

Proviso

9. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

10. This Act may be cited as *The Montreal Trust Company Act, 1960-61*.

Short title

CHAPTER 118

An Act respecting the County of Ontario

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the County of Ontario, Preamble
herein called the Corporation, by its petition has represented that the Corporation passed By-law No. 2057 of the County of Ontario for the purpose of assuming the outstanding debenture debt as of the 1st day of January, 1961, incurred for the purpose of granting aid to public hospitals by municipalities forming part of the County of Ontario for municipal purposes; and whereas there appears to be no specific authority for passing such by-law; and whereas the petitioner has prayed for special legislation validating and confirming By-law No. 2057; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 2057 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation, By-law re aid to hospitals, validated
the municipalities forming part of the County of Ontario for municipal purposes and the ratepayers thereof from the date of the passing of such by-law.

2. A municipal rate levied for the purpose of By-law No. 2057 shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*. Rate to be levied on all rateable property R.S.O. 1960, c. 23

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The County of Ontario Act*, Short title
1960-61.

SCHEDULE

BY-LAW No. 2057

OF

THE CORPORATION OF THE COUNTY OF ONTARIO

A BY-LAW to authorize the assumption of \$133,509.00 in debentures issued by the Local Municipalities for Granting Aid to Public Hospitals.

WHEREAS the Corporation of the Township of Uxbridge, the Corporation of the Town of Uxbridge, and the Corporation of the Township of Scott have granted aid to the Cottage Hospital (Uxbridge), Uxbridge, Ontario, and have issued debentures therefor as more particularly shown in Schedule "A" hereto annexed;

AND WHEREAS the Corporation of the Village of Port Perry has granted aid to the Community Memorial Hospital, Port Perry, Ontario, and has issued debentures therefor as more particularly shown in Schedule "A" hereto annexed; eighty-three per cent (83%) of which said debentures are being defrayed by the Corporations of the Village of Port Perry, the Township of Reach and the Township of Scugog jointly, and seventeen per cent (17%) by the Corporation of the Township of Cartwright in the County of Durham, and it is proposed by this By-law to assume the said eighty-three per cent (83%) of the cost of the said debentures;

AND WHEREAS the Corporation of the Township of Pickering, the Corporation of the Village of Pickering and the Corporation of the Town of Ajax have granted aid to the Ajax and Pickering General Hospital, Ajax, Ontario, and have issued debentures therefor as more particularly shown in Schedule "A" hereto annexed;

AND WHEREAS said hospitals have been erected, established and equipped for the benefit of the residents of the County of Ontario;

AND WHEREAS the amount of principal outstanding as of the 1st day of January, 1961, the amount of interest payable and the amount of principal repayable in each of the years 1961 to 1978 both inclusive for each municipality are shown on Schedule "B" hereto annexed;

AND WHEREAS the amount of the whole rateable property of the local municipalities hereinbefore referred to according to the last revised assessment roll is set out in Schedule "C" hereto annexed;

AND WHEREAS the amount of the whole rateable property of the Corporation of the County of Ontario according to the last revised and equalized assessment rolls of the local municipalities of which the County is composed is \$76,536,318.00;

AND WHEREAS the Corporation of the County of Ontario has agreed to assume the repayment of the principal of \$133,509.00 and the interest on the outstanding debentures amounting to \$51,702.46 in lawful money of Canada as of the 1st day of January, 1961.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of The Corporation of the County of Ontario by the Council thereof as follows:—

1.—(1) The Corporation of the County of Ontario hereby assumes the liability for payment of the amounts of principal and interest outstanding as of the 1st day of January, 1961, payable in the years 1961 to 1978 inclusive as set forth in Schedule "B".

(2) In each of the years mentioned in the first column of Schedule "B" there shall be included in the amount to be raised for county purposes by all the municipalities forming part of the County for municipal purposes the amounts set opposite each of such years in Column 18 of Schedule "B".

2. All amounts of monies raised as aforesaid shall be paid over to the local municipalities as set out in Schedule "B" hereto annexed in such amounts as to enable such municipalities to repay the debentures heretofore issued and interest thereon as more particularly shown in Schedule "B" hereto annexed.

BY-LAW READ A FIRST TIME this 27th day of June, A.D. 1960, at 2.30 p.m.

BY-LAW READ A SECOND TIME this 27th day of June, A.D. 1960, at 2.40 p.m.

WM. G. MANNING,
Clerk.

WM. J. HERON,
Warden.

BY-LAW READ A THIRD TIME AND FINALLY PASSED this 20th day of January, A.D. 1961, at 3.05 p.m.

WM. G. MANNING,
Clerk.

A. GERROW,
Warden.

Schedule "A"

TO BY-LAW NO. 2057 OF

THE CORPORATION OF THE COUNTY OF ONTARIO

Municipality	By-Law	Interest Rate	Total Debentures Issued	Debentures Outstanding Jan. 1/61	Hospital
Township of Uxbridge	5½%	\$ 20,000.00	\$ 18,800.00	The Cottage Hospital, (Uxbridge)
Town of Uxbridge...	1231 1248	5¼% 5¾%	40,000.00	36,400.00	The Cottage Hospital, (Uxbridge)
Village of Port Perry.	1179	4½%	34,000.00	18,509.00	Community Memorial Hosp., Port Perry
Township of Pickering	2037	4%	45,000.00	20,000.00	Ajax and Pickering General Hospital, Ajax
Village of Pickering..	51	4½%	5,000.00	2,300.00	Ajax and Pickering General Hospital, Ajax
Town of Ajax.....	108	5%	50,000.00	23,000.00	Ajax and Pickering General Hospital, Ajax
Township of Scott...	199	5½%	16,000.00	14,500.00	The Cottage Hospital, (Uxbridge)
			<u>\$210,000.00</u>	<u>\$133,509.00</u>	

Schedule "B"

TO BY-LAW NO. 2057 OF

THE CORPORATION OF THE COUNTY OF ONTARIO

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Year	Township of Uxbridge		Town of Uxbridge		Village of Port Perry		Township of Pickering	
	By-law No.	Interest	By-law No. 1231 By-law No. 1248	Interest	By-law No. 1179 (Assume 83%)	Interest	By-law No. 2037	Interest
	Principal		Principal		Principal		Principal	
1961.....	\$ 600.00	\$ 1,034.00	\$ 1,300.00	\$ 2,093.00	\$ 1,328.00	\$ 832.90	\$ 4,700.00	\$ 800.00
1962.....	700.00	1,001.00	1,400.00	2,018.25	1,411.00	773.15	4,900.00	612.00
1963.....	700.00	962.50	1,500.00	1,937.75	1,494.00	709.65	5,100.00	416.00
1964.....	800.00	924.00	1,600.00	1,851.50	1,494.00	642.42	5,300.00	212.00
1965.....	800.00	880.00	1,700.00	1,759.50	1,577.00	575.19
1966.....	800.00	836.00	1,700.00	1,661.75	1,660.00	504.22
1967.....	900.00	792.00	1,800.00	1,564.00	1,743.00	429.53
1968.....	900.00	742.50	1,900.00	1,460.50	1,826.00	351.09
1969.....	1,000.00	693.00	2,100.00	1,351.25	1,909.00	268.92
1970.....	1,000.00	638.00	2,200.00	1,230.50	1,992.00	183.01
1971.....	1,100.00	583.00	2,300.00	1,104.00	2,075.00	93.38
1972.....	1,200.00	522.50	2,400.00	971.75
1973.....	1,200.00	456.50	2,600.00	833.75
1974.....	1,300.00	390.50	2,700.00	684.25
1975.....	1,300.00	319.00	2,900.00	529.00
1976.....	1,400.00	247.50	3,100.00	362.25
1977.....	1,500.00	170.50	3,200.00	184.00
1978.....	1,600.00	88.00
	<u>\$18,800.00</u>	<u>\$11,280.50</u>	<u>\$36,400.00</u>	<u>\$21,596.95</u>	<u>\$18,509.00</u>	<u>\$5,363.46</u>	<u>\$20,000.00</u>	<u>\$2,040.00</u>

Schedule "B"—Continued

TO BY-LAW NO. 2057 OF

THE CORPORATION OF THE COUNTY OF ONTARIO

	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
	Village of Pickering			Town of Ajax		Township of Scott			
	By-law No. 51			By-law No. 108		By-law No. 199			
Year	Principal	Interest	Principal	Interest	Principal	Interest	Total Principal	Total Interest	Total Payment
1961.....	\$ 500.00	\$ 103.50	\$5,000.00	\$1,150.00	\$ 500.00	\$ 797.50	\$ 13,928.00	\$ 6,810.90	\$ 20,738.90
1962.....	600.00	81.00	6,000.00	900.00	600.00	770.00	15,611.00	6,155.40	21,766.40
1963.....	600.00	54.00	6,000.00	600.00	600.00	737.00	15,994.00	5,416.90	21,410.90
1964.....	600.00	27.00	6,000.00	300.00	600.00	704.00	16,394.00	4,660.92	21,054.92
1965.....	700.00	671.00	4,777.00	3,885.69	8,662.69
1966.....	700.00	632.50	4,860.00	3,634.47	8,494.47
1967.....	700.00	594.00	5,143.00	3,379.53	8,522.53
1968.....	800.00	555.50	5,426.00	3,109.59	8,535.59
1969.....	800.00	511.50	5,809.00	2,824.67	8,633.67
1970.....	900.00	467.50	6,092.00	2,519.01	8,611.01
1971.....	900.00	418.00	6,375.00	2,198.38	8,573.38
1972.....	1,000.00	368.50	4,600.00	1,862.75	6,462.75
1973.....	1,000.00	313.50	4,800.00	1,603.75	6,403.75
1974.....	1,100.00	258.50	5,100.00	1,333.25	6,433.25
1975.....	1,100.00	198.00	5,300.00	1,046.00	6,346.00
1976.....	1,200.00	137.50	5,700.00	747.25	6,447.25
1977.....	1,300.00	71.50	6,000.00	426.00	6,426.00
1978.....	1,600.00	88.00	1,688.00
	\$2,300.00	\$ 265.50	\$23,000.00	\$2,950.00	\$14,500.00	\$8,206.00	\$133,509.00	\$51,702.46	\$185,211.46

Schedule "C"

TO BY-LAW NO. 2057 OF

THE CORPORATION OF THE COUNTY OF ONTARIO

Municipality	Equalization
Township of Uxbridge.....	\$ 2,298,200.00
Town of Uxbridge.....	2,143,077.00
Village of Port Perry.....	1,839,392.00
Township of Pickering.....	15,648,095.00
Village of Pickering.....	1,639,721.00
Town of Ajax.....	9,800,857.00
Township of Scott.....	2,128,630.00
Township of Reach.....	3,217,155.00
Township of Scugog.....	742,276.00
	<hr/>
	\$39,457,403.00
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CHAPTER 119

An Act respecting Ontario Ladies' College

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS Ontario Ladies' College by its petition has Preamble represented that it was constituted a corporation with share capital by *An Act to incorporate Ontario Ladies' College*, being chapter 68 of the Statutes of Ontario, 1878, and that it is desirable that Ontario Ladies' College should be a corporation without share capital; and whereas the petitioner has prayed for special legislation for the purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ontario Ladies' College, hereinafter called the Corporation, shall be deemed to have been a corporation without share capital since its incorporation and is hereby continued as a corporation without share capital, and, subject to the provisions of this Act, has and may hold, possess and enjoy all property, rights, powers and privileges that it now has, holds, possesses or enjoys. Ontario Ladies' College continued as corporation without share capital

2. The directors of the Corporation, as constituted from time to time, and all persons who hereafter become associated with them as members of the Corporation in accordance with the by-laws of the Corporation are the body corporate continued under the name "Ontario Ladies' College". Members of Corporation

3.—(1) The affairs of the Corporation shall be managed by a board of twenty-one directors, who shall hold office as hereinafter provided and until their successors are elected or appointed, as the case may be. Board of directors

(2) A general meeting, called the annual meeting, of the Corporation shall be held once in each year at the Town of Whitby. Annual meeting

(3) At the annual meeting, the members of the Corporation shall elect fourteen members to the board of directors, who shall hold office for one year, eight of whom shall be members of The United Church of Canada. Election of directors

Idem

(4) Seven directors shall be ministers of The United Church of Canada appointed by the General Council of the Church and shall hold office for two years.

Eligibility
for re-
election

(5) The directors are eligible for re-election or re-appointment.

Officers

(6) The directors shall each year elect from among themselves a president and one or more vice-presidents, and shall appoint a secretary and a treasurer who shall hold office during the year or until their successors are appointed.

Powers of
directors

4. The directors have power,

(a) to determine the course or courses of study to be pursued and the honours, certificates, diplomas or degrees to be conferred;

(b) to nominate and, with the concurrence of the General Council of the Church, to remove the Principal, to appoint and remove the teachers and other officers and servants and to fix their salaries;

(c) to pass by-laws,

(i) respecting the membership of the Corporation,

(ii) for the general management of the Corporation.

Principal

5.—(1) The Principal, as the person having the moral and religious control of the College, shall be a member of The United Church of Canada, nominated by the directors and confirmed by the General Council of the Church.

Idem

(2) If the General Council fails to confirm such nomination at its first session thereafter, the directors may appoint any person who is a member of The United Church of Canada to that office, who shall hold office until the next session of the General Council.

Property

6. The Corporation has power to purchase or otherwise acquire, take or receive by gift, bequest or devise, and to hold and enjoy, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the Corporation not immediately required ^{Investments} for its purposes and the proceeds of all property that come into the Corporation, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the directors seem meet, and all property and revenue of the Corporation shall be applied for the attainment of the objects for which the Corporation is constituted and to the payment of expenses incurred for purposes legitimately connected with or depending on the objects aforesaid.

8. The board of directors and officers of the Corporation ^{Validity} as heretofore constituted and acting shall be deemed to have ^{of board} been lawfully elected and appointed and all acts, contracts, ^{of directors,} by-laws, proceedings, appointments, elections and payments ^{etc., as} enacted, made, done and taken by the directors and officers ^{heretofore} of the Corporation since the establishment of the Corporation ^{constituted} are valid.

9. *An Act to incorporate Ontario Ladies' College*, being ^{1878, c. 68,} chapter 68 of the Statutes of Ontario, 1878, is repealed. ^{repealed}

10. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

11. This Act may be cited as *The Ontario Ladies' College* ^{Short title} *Act, 1960-61.*

CHAPTER 120

An Act respecting the City of Ottawa

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Ottawa, Preamble
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation may pass by-laws Establish-
ment of
hospitals
authorized
for the establishment, erection, equipment, furnishing and
maintenance of a hospital for the reception, care and treat-
ment of persons affected with any kind of disability, disease
or illness or of a hospital for convalescent persons, or both,
on a site or sites selected or to be selected by the council and,
on a vote of three-fourths of all the members of the council,
for the issuance of debentures therefor without the assent of
the electors qualified to vote on money by-laws.

(2) The management and control of each hospital esta- Board of
trustees
blished under subsection 1, including the power of making
appointments to the staff thereof, is vested in, and shall be
exercised by, a board of trustees consisting of the Mayor of
the City of Ottawa, such *ex officio* trustees as are required
under *The Public Hospitals Act* and the regulations thereunder R.S.O. 1960,
c. 322
and not fewer than eight nor more than eleven other trustees,
of whom not more than three may be members of the council.

(3) The trustees, other than *ex officio* trustees, shall be Appoint-
ment of
trustees
appointed by the council of the Corporation on the nomination
of the board of control, and the council shall not, in the
absence of the nomination of the board of control, appoint
any person a trustee without a vote of two-thirds of all the
members of the council.

(4) All appointed trustees, other than those appointed Time of
appointment
members of the first board of trustees, shall be appointed in
the month of January in each year in which an appointment
is to be made.

Qualifica-
tions and
term of
office

(5) Subject to subsections 2 and 6, the council of the Corporation may by by-law prescribe the conditions of eligibility for appointment to the board or boards of trustees and the term of office, but any trustee who is a member of the council ceases to be a trustee at the end of the year for which he is elected a member of the council or on such earlier date on which he may cease to be a member of the council.

Eligibility
of staff
R.S.O. 1960,
c. 322

(6) Except as provided by *The Public Hospitals Act* and the regulations thereunder, no member of the staff or employee of any hospital nor the husband or wife of a member or employee is eligible to be a trustee.

Vacancies

(7) Where from any cause the office of an appointed trustee becomes vacant prior to the expiration of his term of office, the council of the Corporation shall, without unnecessary delay and in the manner provided by subsection 3 and subject to any by-law passed pursuant to subsection 5, appoint a successor, and the person so appointed shall hold office for the remainder of the term of office of the trustee whose place he is appointed to fill.

Quorum

(8) A majority of each board of trustees constitutes a quorum.

Corporate
body and
name

(9) Each board of trustees is a corporation under such name as may be approved by the Lieutenant Governor in Council upon the petition of the council of the Corporation.

Estimates
for board
of control

(10) Each board of trustees shall, on or before the 31st day of December in each year, prepare and certify to the board of control, for the consideration and approval of the board of control and of the council of the Corporation, an estimate of the expenditures proposed to be made and an estimate of revenue in connection with each hospital during the next succeeding year.

Application
of
R.S.O. 1960,
c. 249, s. 206

(11) Subsection 2 of section 206 of *The Municipal Act* applies to the estimates referred to in subsection 10.

Levying
of rate

(12) The council of the Corporation shall, in each year, assess and levy by a special rate on the whole rateable property within the City of Ottawa a sum sufficient to provide for such of the expenditures set out in the estimates referred to in subsection 10 or in a special or a supplementary estimate as is approved by the council and not provided for by the estimate of revenue.

Powers
of Board

(13) The board of trustees of each hospital,

- (a) has charge of and supervision over the work of erecting, furnishing and equipping the hospital and over the performance of all contracts let by the council of the Corporation in connection therewith;
- (b) has control over, and the custody of, all property, both real and personal, belonging to, or used in connection with, the hospital and has power from time to time to sell or otherwise dispose of personal property valued at an amount not exceeding \$1,000 when no longer required for the purposes of the hospital;
- (c) may from time to time purchase supplies and may engage, fix the salaries and wages of, and pay, officers, servants and workmen for the purposes of the hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure may be made, or entered into, unless money shall have been appropriated by the council of the Corporation and is available for such purpose.

(14) It is the duty of each board of trustees to prepare specifications and to call for tenders for the construction, alteration and improvement of hospital buildings and the purchase of equipment and furniture therefor and to recommend to the board of control for submission to the council of the Corporation the award of contracts, and subsection 5 of section 206 of *The Municipal Act* applies to such tenders.

Duties of trustees re hospital buildings, equipment, etc.

R.S.O. 1960, c. 249

(15) Each board of trustees may enter into such agreements as may be necessary to provide pension or superannuation benefits for the employees of its hospital under a plan approved by the Hospital Services Commission of Ontario.

Pensions

(16) The Corporation, for the use, support and purposes of either hospital, and each board of trustees, for the use, support and purposes of its hospital, have power to purchase or otherwise acquire, take or receive by deed, gift, bequest, devise, or otherwise, any land or interest in land and any personal property without licence in mortmain, and all persons and corporations have full and unrestricted right and power to give, grant and bequeath to the Corporation or to a board of trustees any land or interest therein for such use, support or purpose and any moneys realized therefrom shall, subject to any covenants contained in the original gift, grant

Property

or bequest, be expended for such purposes as may be approved by the council of the Corporation on a recommendation of the board of trustees and the board of control.

Investments (17) The Corporation and each board of trustees have power to sell and convert into money any real or personal property referred to in subsection 16 and any moneys realized may be invested in any securities, other than mortgage securities, in which a trustee is authorized to invest trust moneys under *The Trustee Act* with full power from time to time to call in and sell and vary such investments and to re-invest the proceeds and income thereof.

R.S.O. 1960,
c. 408

Grants (18) Each board of trustees may, from time to time, enter into an agreement with any municipal corporation in Ontario for the payment by the latter of a grant or grants to the board towards the capital cost of constructing and equipping its hospital and every such corporation is hereby authorized to enter into such agreement with the board and to provide for and pay such grant.

Special
accounts

(19) All moneys received by each board of trustees or by any officer thereof for hospital use shall be deposited in a special account or special accounts to be kept in the name of the board of trustees in a chartered bank in the City of Ottawa, and all cheques drawn upon the account shall be signed by such officer or officers as the board of trustees may appoint for that purpose.

Board
deemed
local board
R.S.O. 1960,
cc. 98, 249

(20) Each board of trustees shall be deemed to be a local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of section 228 of *The Municipal Act*.

Application
of
R.S.O. 1960,
c. 322

(21) *The Public Hospitals Act* applies to and governs each hospital and each board of trustees.

1952, c. 130,
s. 1, subs. 2,
(1956, c. 112,
s. 1, subs. 2),
re-enacted

2.—(1) Subsection 2 of section 1 of *The City of Ottawa Act*, 1952, as re-enacted by subsection 2 of section 1 of *The City of Ottawa Act*, 1956, is repealed and the following substituted therefor:

Standard
of fitness of
dwelling

(2) The council of the Corporation may pass by-laws for fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings that do not conform to the standard to make them so conform, for requiring the owners of buildings, structures or erections that form part of dwellings and that do not conform to the standard to demolish all or any part thereof, for prohibiting the use of dwellings that do not conform

to the standard, for authorizing the placarding in such manner as the by-law may specify of dwellings that do not conform to the standard and prohibiting the pulling down or defacing of any such placard, for governing and regulating persons in the use and occupancy of dwellings, and for appointing a tribunal of inspectors or both a tribunal and inspectors for the administration and enforcement of the by-laws.

(2) Subsection 4 of the said section 1 is amended by striking out "5 per cent" in the fifth line and inserting in lieu thereof "6 per cent", so that the subsection shall read as follows: ^{1952, c. 130, s. 1, subs. 4, amended}

(4) When the Corporation has advanced money as provided in subsection 3, it shall have a lien upon the dwelling in respect of which the advance was made for the amount of the advance together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 6 per cent per annum, and the amount of the advance with the interest thereon shall be repayable to the Corporation by the owner of the dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the council, which period shall not exceed ten years but need not be the same in the case of each advance, in the same manner and at the same time as the municipal taxes on the dwelling. ^{Lien for advances and repayment}

3. Clause *b* of section 5 of *The City of Ottawa Act, 1960* is amended by striking out "and" at the end of subclause ii, by adding "and" at the end of subclause iii and by adding thereto the following subclause: ^{1960, c. 161, s. 5, cl. b, amended}

(iv) revoking any licence or permit granted by the Corporation or the Director of Planning and Works of the Corporation.

4.—(1) Subject to the approval of the Ontario Municipal Board first being obtained, the council of the Corporation may pass by-laws for imposing upon the owners of high-rise or other buildings, as defined by the by-law, for the erection or enlargement of which a building permit was or is issued subsequent to the 2nd day of May, 1960, or of any class or classes of such buildings, that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity, which, in the opinion of the council, would not otherwise be ^{By-laws re special charges}

required,

required, a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Application
of proceeds

(2) The proceeds of the charge or charges authorized by subsection 1 shall be used for the purpose therein referred to and not otherwise.

Charges
a lien on
land

R.S.O. 1960,
c. 23

(3) Any charge or charges imposed under subsection 1 are a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

Appeal

R.S.O. 1960,
c. 223

(4) There shall be an appeal to the court of revision of the City of Ottawa from any charge or charges authorized by subsection 1 and the provisions with respect to appeals to the court of revision and section 51 of *The Local Improvement Act* apply *mutatis mutandis*.

Application
of section

(5) This section does not apply to single-family, double or duplex buildings.

Election
not to be
deemed
invalid

5. Notwithstanding section 75 of *The Municipal Act*, the election held at Ottawa on the 5th day of December, 1960, for the offices of mayor, controller, alderman, public school trustee and separate school trustee and the taking of a vote relating to the extension of the municipal franchise and a vote relating to public games and sports on the Lord's Day shall not be deemed to be invalid by reason of the death of David L. Burgess, candidate for the office of controller, who died on the 30th day of November, 1960, and the erasure or obliteration of his name from the composite ballot used for the election and for the taking of the votes.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Ottawa Act, 1960-61*.

CHAPTER 121

**An Act respecting The Ottawa Civil
Service Recreational Association**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Ottawa Civil Service Recreational Association, a corporation incorporated under *The Companies Act*, by its petition has represented that it is the lessee of certain lands, as set forth in Schedule A hereto, on which there is erected a building and certain facilities for the Dominion Civil Service employees in general, and more particularly the Dominion Civil Service employees in the City of Ottawa; and whereas the petitioner has prayed for special legislation to provide for exemption from taxation, by municipal by-law, for all purposes, except local improvements, those certain parts of that land and premises as set forth in Schedule B hereto; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any special or general Act, The Corporation of the City of Ottawa may pass by-laws exempting from taxes, other than local improvement rates, those parts of the lands and premises leased by The Ottawa Civil Service Recreational Association, described in Schedule B hereto, provided such lands and premises are solely occupied by and used for the purposes of The Ottawa Civil Service Recreational Association, but not if otherwise occupied or used, and any such by-law may provide that it shall have effect from year to year unless repealed. Tax exemption authorized

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commencement

3. This Act may be cited as *The Ottawa Civil Service Recreational Association Act, 1960-61*. Short title

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Gloucester (now within the limits of the City of Ottawa) in the County of Carleton and the Province of Ontario and being composed of parts of Lots 19 and 20, Junction Gore of the said Township of Gloucester (now in Ottawa), and being more particularly described as follows:

PREMISING that the partition line, as described in Instrument No. 23936, and dividing that part of Lot 19, formerly owned by one, Hugh Braddish Billings, from that part of said Lot formerly owned by one, Charles M. Billings, has a bearing of north 84 degrees 22 minutes 53 seconds east, and relating all bearings herein thereto.

COMMENCING at the intersection of the division line between Lots 19 and 20, Junction Gore, with the north-easterly boundary of that part of Lot 19 described in Instrument No. 39625, the said last-mentioned part of Lot 19 being now the property of the Federal District Commission;

THENCE south 31 degrees 21 minutes east and following the south-easterly prolongation of the north-easterly boundary of that part of said Lot 19 described in said Instrument No. 39625, 111.21 feet more or less, to a point in a line drawn parallel with the division line between Lots 19 and 20, Junction Gore, at a distance of 100 feet measured southerly therefrom and at right angles thereto;

THENCE north 84 degrees 35 minutes 53 seconds east, and following the said parallel line, 790 feet more or less, to a point in a line drawn at right angles with the southerly boundary of said Lot 19 and passing through a point in the said division line between the north and south halves of said Lot 19, distant 250 feet measured westerly from the south-east angle of the lands described in Instrument No. 29128;

THENCE north 5 degrees 24 minutes 07 seconds west and at right angles to the southerly boundary of said Lot 19, 1290 feet more or less, to the south-easterly boundary of that part of Lot 19 described in Instrument No. 6495 and owned by the Federal District Commission;

THENCE south-westerly and following the south-easterly boundary of said Instrument No. 6495, 1312 feet more or less, to its intersection with the north-easterly boundary of that part of said Lot 19 described in Instrument No. 39625;

THENCE south 31 degrees 21 minutes east and following the north-easterly boundary of said Instrument No. 39625, 369 feet more or less, to the point of commencement.

SCHEDULE B

Room or Area Designation	1959 Assessment		
	Land	Building	Total
(1) <i>Ground Floor—</i>			
Main Lobby.....	\$ 130	\$ 5,833	\$ 5,963
Offices.....	156	6,826	6,982
Locker and Shower.....	245	10,760	11,005
Tote Basket.....	26	1,161	1,187
Mechanical Equipment.....	30	1,358	1,388
Attendants Office.....	6	266	272
Storage (includes Radio Lecture Room).....	30	1,335	1,365
Electrical substation.....	32	1,389	1,421
Corridors, Passageway and Janitors Room.....	750	33,477	34,227
	<u>\$ 1,405</u>	<u>\$ 62,405</u>	<u>\$ 63,810</u>
(2) <i>Second Floor:</i>			
Dark Room.....	\$ 32	\$ 1,409	\$ 1,441
Club Rooms.....	393	17,047	17,440
Social Rooms.....	255	11,067	11,322
Games Rooms.....	162	7,007	7,169
Lounge.....	271	11,745	12,016
Gymnasium and Pertinent Rooms.....	1,836	79,620	81,456
Board Room.....	133	5,748	5,881
Janitors Closet, Corridors, etc.	738	32,482	33,220
	<u>\$ 3,820</u>	<u>\$166,125</u>	<u>\$169,945</u>

Balance of land in excess of the 5 acres mentioned in paragraph two 25.3 acres assessed at \$45,500.00; therefore, the totals for Schedule "B"—Exemptable are:

Land	Buildings	Total
\$ 1,405	\$ 62,405	\$ 63,810
3,820	166,125	169,945
45,500	45,500
<u>\$50,725</u>	<u>\$228,530</u>	<u>\$279,255</u>

CHAPTER 122

**An Act respecting
The Board of Trustees of the Continuation
School of the Township of Pelee**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Board of Trustees of the Continuation Preamble
School of the Township of Pelee by its petition has
represented that it is desirable that it be authorized to operate
and maintain a continuation school in the Township of Pelee
of one room with a staff of one full-time teacher for its pupils
of grades 9 and 10 and to pay the cost of transportation and
an amount not exceeding two-thirds of the cost of board and
lodging for its pupils of grades 11, 12 and 13 who attend a
secondary school, as defined in *The Schools Administration Act*, R.S.O. 1960,
c. 361, outside the Township of Pelee and that it be authorized, in
the event the continuation school maintained in the Township
of Pelee is dissolved, to pay the cost of transportation and to
pay an amount not exceeding two-thirds of the cost of board
and lodging for its pupils of grades 9 and 10 who attend a
secondary school, as defined in *The Schools Administration
Act*, outside the Township; and whereas the petitioner has
prayed for special legislation to effect such purposes; and
whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Board of Trustees of the Continuation School of Powers of
Board
the Township of Pelee may,

- (a) operate and maintain a continuation school of one
room with a staff of one full-time teacher for its
pupils of grades 9 and 10;
- (b) pay the cost of transportation and pay an amount
not exceeding two-thirds of the cost of board and
lodging for its pupils of grades 11, 12 and 13 who
attend a secondary school, as defined in *The Schools
Administration Act*, outside the Township of Pelee;

(c)

- (c) in the event the continuation school of the Township of Pelee is dissolved with the assent of the rate-payers, pay the cost of transportation and pay an amount not exceeding two-thirds of the cost of board and lodging for its pupils in grades 9 and 10 who attend a secondary school, as defined in *The Schools Administration Act*, outside the Township of Pelee.

R.S.O. 1960,
c. 361

Validation
of payments
for the
cost of
board and
lodging
heretofore
made

2. All payments heretofore made by The Board of Trustees of the Continuation School of the Township of Pelee for the cost of board and lodging for its pupils in grades 11, 12 and 13 who have heretofore attended a secondary school, as defined in *The Schools Administration Act*, outside the Township of Pelee are ratified, confirmed and declared to be legal, valid and binding.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of Pelee Continuation School Act, 1960-61*.

CHAPTER 123

An Act respecting the City of Peterborough

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

WHEREAS The Corporation of the City of Peterborough Preamble
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. For the year 1962 and thereafter, the Peterborough Peter-
borough
Utilities
Commission,
composition
Utilities Commission shall consist of five members, of whom
the head of the council of The Corporation of the City of
Peterborough shall be one *ex officio* and the remaining four
shall be elected at the same time and place and in the same
manner as the head of the council, and, subject to section 2,
the elected members shall hold office for two years and until
their successors are elected and the new commission is
organized.

2.—(1) The present members of the Peterborough Utilities Present
members
Commission holding office for terms that do not expire at
the end of the year 1961 may continue to hold office for the
expiration of the terms for which they were elected.

(2) At the municipal elections to be held in the year 1961, Election
1961
two members of the Commission shall be elected for a term of
two years.

(3) At the municipal elections to be held in the year 1962, Election
1962
one member of the Commission shall be elected for a term of
one year.

(4) At the municipal elections to be held in the year 1963, Election
1963
four members of the Commission shall be elected, of whom
the two elected who receive the highest number of votes shall
hold office for a term of two years and the other two elected
shall hold office for a term of one year.

Election
1964 and
thereafter

(5) At the municipal elections to be held in the year 1964 and in each year thereafter, two members of the Commission shall be elected for a term of two years.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Peterborough Act, 1960-61*.

CHAPTER 124

An Act respecting the City of Peterborough

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Peterborough, ^{Preamble} herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "dwelling" means any building, part of a ^{Interpretation} building, tent, trailer or other covering or structure and the contents thereof, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation, with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

2. Upon the expiration of one year following the closing of any dwelling pursuant to section 99 of *The Public Health Act* as unfit for human habitation or dangerous to health and upon ^{Order for demolition of dwelling R.S.O. 1960, c. 321} the report of the medical officer of health that such dwelling is unfit for human habitation or dangerous to health, the council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal or demolition of such dwelling.

3. Notice of the by-law shall be registered in the Registry ^{Notice of by-law} Office for the Registry Division of the County of Peterborough and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing on the records of the sheriff's office, and the owner, mortgagee, encumbrancer or execution creditor has the right to appeal ^{Appeal} to the judge of the county court of the County of Peterborough from the decision of the council to remove or demolish the

dwelling

dwelling by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law.

Contents
of notice

4. The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
City
Engineer
to carry
out order

5. Unless notice of an appeal is received by the clerk of the Corporation within the time stated herein, the decision of the council of the Corporation to remove or demolish the dwelling may be carried out forthwith by the City Engineer on behalf of the Corporation and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

6. The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the dwelling and the certificate of the clerk of the Corporation as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing
of appeal

7. If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Peterborough and shall give notice thereof by such means and to such persons as the judge may require.

Order of
judge

8. After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the dwelling, or the judge may make such other order as he deems advisable under the circumstances.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The City of Peterborough Act, 1960-61 (No. 2)*.

CHAPTER 125

An Act respecting Pickering College

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

WHEREAS the corporation of Pickering College by its Preamble petition has represented that under subsection 2 of section 4 of *An Act respecting The Friends' Seminary of Ontario*, being chapter 103 of the Statutes of Ontario, 1917, the power of the corporation to hold land is limited to the annual value of \$20,000; and whereas the value of the lands and buildings of the corporation have increased and the limitation is no longer appropriate or in the interest of the corporation; and whereas the corporation has prayed for special legislation to repeal this limitation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *An Act respecting The Friends' Seminary of Ontario* is repealed. 1917, c. 103, s. 4, subs. 2, repealed
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Pickering College Act*, Short title 1960-61.

CHAPTER 126

An Act respecting the City of Port Arthur

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

WHEREAS The Corporation of the City of Port Arthur Preamble
by its petition has represented that the lands described in a certain tax deed, hereinafter mentioned, were intended to cover and include a portion of Lot Three (3), West Court Street, according to the Town plot of Prince Arthur's Landing, now Port Arthur, being all that part not subdivided by a plan registered in the Registry Office for the Registry Division of Port Arthur as No. 150, but the description thereof in the said tax deed gives rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have a portion of the said lot vested in the Corporation in fee simple, free of encumbrances; and whereas the Corporation has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Registered Tax Deed No. 2461-B for Port Arthur B Tax Deed No. 2461-B, amended
shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein were as follows: "a portion of Lot Three (3), West Court Street, according to the Town plot of Prince Arthur's Landing, now Port Arthur, being all that part not subdivided by a plan registered in the Registry Office for the Registry Division of Port Arthur as No. 150", instead of the description actually set out in the deed.

(2) The portion of Lot Three (3), West Court Street, Portion of Lot 3, West Court Street, vested in Corporation
according to the Town plot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the most Southerly angle of the said lot; thence North-Westerly along the South-Westerly limit of the said lot, One Hundred and Seventy-Seven and Two Tenths Feet (177.2'), more or less, to a point distant One Hundred and Eighty Feet (180') measured South-Easterly along the

said

said limit of the said lot from the South-Easterly limit of Royston Court as shown on Registered Plan 150; thence North-Easterly parallel with the said limit of Royston Court, Two Hundred and Sixty-Five and Seven Hundredths Feet (265.07'), more or less, to the North-Easterly limit of the said lot; thence South-Easterly along the said limit of the said lot, One Hundred and Seventy-Seven and Forty-Three Hundredths Feet (177.43'), more or less, to the most Easterly angle of the said lot; thence South-Westerly along the South-Easterly limit of the said lot, Two Hundred and Sixty-Five and Seven Hundredths Feet (265.07'), more or less, to the point of commencement, is hereby vested in The Corporation of the City of Port Arthur in fee simple, free and clear from all right, title and interest whatsoever of any other person, firm or corporation whomsoever and free and clear of all charges and encumbrances thereon.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Port Arthur Act, 1960-61*.

CHAPTER 127

An Act respecting The Port Arthur Y.M.-Y.W.C.A.

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Port Arthur Y.M.-Y.W.C.A., herein Preamble
called the Association, by its petition has prayed for
special legislation to exempt real property, owned and used or
occupied and used by it in the City of Port Arthur, from
municipal taxation, except for local improvements, and on
Lower Shebandewan Lake from taxation under *The Public* R.S.O. 1960,
c. 330
Schools Act; and whereas it appears that the Association was
incorporated on the 8th day of September, 1960, and has
acquired the assets of an unincorporated association known
as the Port Arthur Y.M.-Y.W.C.A., herein called the Un-
incorporated Association, which Unincorporated Association
was not, prior to the 1st day of January, 1959, assessed and
taxed by the City of Port Arthur, but has since then been
assessed and taxed; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of The Corporation of the City of Tax
exemption
authorized
Port Arthur may pass by-laws exempting from taxes for
municipal or school purposes or both, other than local im-
provement rates, the land, as defined in *The Assessment Act*, R.S.O. 1960,
c. 23
of The Port Arthur Y.M.-Y.W.C.A., provided that the land
is owned and used or occupied and used solely by the Associa-
tion and carried on for the purposes of the Association, on
such conditions as may be set out in the by-law.

(2) The council may by by-law cancel all arrears of taxes Cancellation
of tax
arrears
authorized
and interest or penalties thereon for the period from the 1st
day of January, 1959, until the date this Act comes into
force, levied by the City of Port Arthur in respect of such
lands, and release the Association and its property from all
liability therefor.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Port Arthur Y.M.-Y.W.C.A. Act, 1960-61.*

CHAPTER 128

An Act respecting The Board of Trustees of the Roman Catholic Separate Schools for the Town of Port Colborne

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Board of Trustees of the Roman Catholic Separate Schools for the Town of Port Colborne, herein called the Board, by its petition has represented that it has incurred a floating debt of \$115,000, which has arisen by the accumulation of deficits over the last five years, and, while the Board proposes to endeavour to reduce its annual expenditure so that it may conform to its annual receipts, that to pay off such indebtedness forthwith, in addition to meeting the current annual expenses, would be unduly burdensome on the separate school supporters of the Town of Port Colborne; and whereas the petitioner has prayed that the floating debt may be consolidated and that the Board may be authorized to borrow money by the issue of debentures to pay off the floating debt; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The floating debt of the Board is consolidated at the sum of \$115,000 and the Board may borrow by a special issue of debentures a sum not exceeding \$115,000 for the purpose of paying the floating debt.

2. The debentures shall be in sums of not less than \$100 each, shall be made payable in not more than twenty years from the date of issue thereof, shall bear interest at a rate not exceeding 7 per cent per annum, may be issued with or without coupons attached thereto for interest, and shall be payable at such place or places as the Board may deem expedient.

3. The debentures shall be payable in equal annual instalments of principal and interest in such manner and in such

amounts

amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to the amount that is payable for principal and interest during each of the other years of the period within which the floating debt is to be discharged.

Levy

4. The Board shall levy and collect in each year during the period within which the floating debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due on the debentures, in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Application
of moneys
from sale of
debentures

5. The debentures and all moneys arising from the sale thereof shall be applied in payment of the floating debt and for no other purpose.

Assent of
electors
unnecessary
R.S.O. 1960,
cc. 249, 368

6. It is not necessary to obtain the assent of the electors to any by-laws passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act* or *The Separate Schools Act*.

Application
of R.S.O.
1960, c. 274

7. Sections 58, 64 and 65 of *The Ontario Municipal Board Act* do not apply in respect of debentures issued under a by-law passed under this Act.

Irregularities
in form of
debentures,
etc.

8. No irregularity in the form of the debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the Board for the recovery of the debentures or interest or any part thereof, and the purchaser or holder thereof is not bound to inquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Town of Port Colborne Separate School Board Act, 1960-61*.

CHAPTER 129

An Act to incorporate Renfrew Victoria Hospital

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Town of Renfrew by Preamble its petition has represented that by *The Victoria Hospital at Renfrew Act*, being chapter 151 of the Statutes of Ontario, 1922, and *The Victoria Hospital at Renfrew Act, 1926* 1926, c. 118 The Corporation of the Town of Renfrew was empowered to carry on Victoria Hospital as a civic general hospital and that the management and control thereof were vested in and exercised by a board of trustees elected from and by the municipal electors of the Town of Renfrew; and whereas The Corporation of the Town of Renfrew deems it desirable to repeal such Acts and to create a corporation under the name of "Renfrew Victoria Hospital" and transfer to it all facilities, assets and undertakings of the existing hospital with all debts and obligations affecting the existing hospital, and vest the management and control thereof in a board representative of the Town of Renfrew and neighbouring townships; and whereas the petitioner has prayed for special legislation for such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees of Victoria Hospital at Renfrew is continued as a corporation under the name of "Renfrew Victoria Hospital", hereinafter called the Corporation, with the objects Renfrew Victoria Hospital incorporated and powers herein mentioned.

2. Within two months after the day this Act comes into force, The Trustees of Victoria Hospital at Renfrew shall hold a meeting at which the persons appointed by or under section 3 shall be installed as successors to such Trustees, whereupon such Trustees cease to hold office. Successors to be installed

3.

Composition
of
Corporation

3. The following persons shall be installed as successors under section 2 and thereafter they and their successors constitute the Corporation:

1. The mayor, reeve and deputy reeve of the Town of Renfrew.
2. One person appointed in each year by the council of the County of Renfrew, for a term of one year.
3. The reeve of each of the townships of Admaston, Bromley, Brougham, Horton, Grattan, McNab, and Ross, and of the united townships of Bagot and Blythfield and of Griffith and Matawatchan, or, in lieu of the reeve of any such municipality, a person resident in and appointed by the council of such municipality for a term of one year.
4. Three persons, each of whom shall be a resident of the Town of Renfrew and none of whom shall be a member of the council of or an official or employee of the Town of Renfrew or the Corporation, appointed by the council of the Town of Renfrew in each year for a term of three years, provided that, with respect to the initial appointment, the council shall appoint nine such Renfrew residents in three sets of three with each set designated to hold office for terms of one, two and three years, respectively.
5. Such person or persons as are appointed *ex officio* under any Act or regulation.

Board of
Governors

4. The persons appointed by or under section 3 and their successors constitute the Board of Governors, hereinafter called the Board.

Vacancy

5. Where a vacancy occurs in the Board by reason of the death, retirement or otherwise of a member appointed by a council of a municipality, such vacancy shall be filled, for the unexpired term for which such member was appointed, by a person resident in and appointed by the council of such municipality.

Executive
committee

6.—(1) The Board may pass a by-law authorizing the Board to elect from among its number an executive committee consisting of five, of whom three shall be resident in the Town of Renfrew and two shall be resident in a township mentioned in section 3, and may delegate to the executive committee such powers of the Board as the Board may determine from time to time, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

(2) The by-law shall not be effective until it is confirmed ^{When effective} by at least a two-thirds vote of the members present at a meeting of the Board duly called for that purpose.

(3) The executive committee may fix its quorum at not ^{Quorum} less than a majority of its members.

7. All properties, real and personal, and the undertaking and assets of, with all the rights, powers, privileges and immunities now vested in, owned, held, possessed or enjoyed by, The Trustees of Victoria Hospital at Renfrew and the Town of Renfrew for the purposes of Victoria Hospital are hereby vested in the Corporation for its objects, without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, but subject to the provisions of this Act, *The Hospital Services Commission Act* and *The Public Hospitals Act* and to the terms and conditions of any grant, trust, devise or bequest heretofore made or declared respecting the same, or any part thereof, and subject to all obligations, debts, mortgages, charges and liabilities in any way affecting the same, or any part thereof, or in any way due or owing by or from The Trustees of Victoria Hospital at Renfrew. ^{Property vested in Corporation} ^{R.S.O. 1960, c. 176, 322}

8. The Corporation has full power to continue and carry on the hospital and rehabilitation centre now established and being carried on, and to carry on all things necessary, incidental or usual thereto, or in connection therewith, and to acquire land for such purposes. ^{Power of Corporation to operate hospital, etc.}

9. The objects of the Corporation are to carry on the hospital and rehabilitation centre and all other hospitals, sanatoria and other similar institutions which it may establish, undertake or carry on for the benefit and advantage of the area comprising the Town of Renfrew and the several townships aforesaid. ^{Objects of Corporation}

10. For the objects of the Corporation, the Board may, in its discretion, take and accept all gifts, legacies and bequests of money or other personalty and, subject to *The Mortmain and Charitable Uses Act*, may acquire, hold and possess by gift, devise, bequest, purchase or otherwise lands, tenements or hereditaments and interests therein for the use, support or purpose of the Corporation, and all persons and bodies corporate have the full and unrestricted right to give, grant, devise and bequeath to the Corporation any land or interest in land or any goods, chattels and effects, but nothing herein authorizes the Corporation to engage in the business of trading in real estate. ^{Power to acquire property, etc.} ^{R.S.O. 1960, c. 246}

11. The Board may sell and dispose of any of the real and personal property of the Corporation that is no longer ^{Disposal of property}

necessary for its objects, provided that the proceeds derived from any such sale or disposal shall be held and applied for the objects of the Corporation.

Borrowing
powers

12. The Board may pass by-laws,

- (a) for borrowing money on the credit of the Corporation by promissory note, overdraft on any bank or banks or otherwise; or
- (b) for issuing, selling or pledging securities of the Corporation; or
- (c) for charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Corporation, to secure any securities or any money borrowed, or other debt or any other obligation or liability of the Corporation;

provided that all such by-laws shall be passed by a two-thirds vote of the members present at a meeting of the Board called for that purpose.

Investment

R.S.O. 1960,
c. 408

13. Subject to the limitations imposed by any specific trust as to the same, the Board may invest in securities in which trustees may invest under *The Trustee Act* all moneys that may at any time come into its hands for the use and support of the Corporation, or may deposit the same in a chartered bank.

Powers
vested in
Board

14. The powers of the Corporation are vested in and shall be exercised by the Board, and, without restricting the generality of the foregoing, the Board,

- (a) shall appoint a Secretary, Bursar or Treasurer and Administrator, and such matrons, medical and surgical staff, nurses, officers, employees, servants and agents as it may from time to time require or deem necessary;
- (b) has the control, government and disposition of the hospital and other hospitals, sanatoria and other institutions and properties established or carried on by the Corporation, and, subject to the provisions of this Act, of all its properties, endowments, funds, assets, income, revenues and expenditures;
- (c) has the power to pass by-laws, resolutions, rules and regulations for the control, management and conduct of the affairs of the Corporation, for fixing the salaries, wages, fees and emoluments of all persons

appointed

appointed by or under the jurisdiction of the Board, and also in respect of all matters pertaining to the business, meetings and transactions of the Board, and for fixing the quorum necessary for its meetings; and

- (d) may act by such committees of or appointed by the Board as it may deem proper to appoint.

15. The Administrator of the hospital, or such other of its officers to whom the Board may from time to time delegate such power, may, subject to the approval of the Board, make regulations for the direction of the nurses, employees and servants in regard to their duties and for the conduct and discipline of all patients at or in the hospital, or other hospitals, sanatoria or institutions, and of all visitors thereto, and for the internal conduct and management thereof.

Powers of
Adminis-
trator

16. Without limiting the general powers herein conferred, but subject to any Public Act and any rule or regulation made thereunder, the Corporation may affiliate with, or maintain and carry on, any training school for nurses, medical students, X-ray technicians, laboratory technicians, administrators and any or all other personnel which shall be deemed by the Board to advance the interests of the Corporation, and for that purpose the Board may prescribe rules and regulations and periods of training and issue diplomas and certificates, and in connection therewith or for other purposes the Board may erect, equip and maintain residences and all other necessary buildings and facilities for nurses, superintendents, resident physicians and surgeons, upon such sites as the Board may deem proper, and the Board may continue and carry on a training school for nurses as now established and carried on in conjunction with the existing hospital.

Training
school for
nurses, etc.

17. No real property or interest therein vested in the Corporation and used for its purposes is liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such real property or interest unless the Act conferring the power is made in express terms to apply to such real property.

Lands not
liable to
expropria-
tion

18. Subject to the by-laws of the Board, all conveyances, grants, discharges or assignments of any property held by or for the Corporation shall be made by the Board under the seal of the Corporation, attested by the signature of the head of the Board or some other member of the Board thereto specifically authorized in that behalf.

Convey-
ances, etc.,
made by
Board

1922, c. 151;
1926, c. 118,
repealed

19. *The Victoria Hospital at Renfrew Act*, being chapter 151 of the Statutes of Ontario, 1922, and *The Victoria Hospital at Renfrew Act, 1926* are repealed.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. This Act may be cited as *The Renfrew Victoria Hospital Act, 1960-61*.

CHAPTER 130

**An Act to establish
Reuben Edwin Cleghorn Foundation**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS Reuben Edwin Cleghorn, late of the Town Preamble of Elmira, in the County of Waterloo, retired accountant, deceased, did by his last Will and Testament direct that the residue of his estate after the death of his only sister should be held in the form of a perpetual endowment fund for the advancement of the education of pupils of the Elmira District High School and did provide for the appointment of a governing committee to disburse the income from time to time earned by the residue of his estate to pupils of the Elmira District High School for the purpose of assisting pupils to obtain higher education in any university, college or school approved by the governing committee; and whereas there is some doubt in law as to whether the governing body is a charitable organization; and whereas the executor of the last Will and Testament of Reuben Edwin Cleghorn, deceased, by its petition has prayed that special legislation be passed to remove the doubt so raised; and whereas it is deemed expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The chairman of the Elmira District High School Board and his successors in office, the principal or principals of the high school or high schools operated by the Elmira District High School Board and his or their successors, the mayor of The Corporation of the Town of Elmira or a member of the council appointed by him in his place and stead and his successors or their appointees and one officer of The Waterloo Trust and Savings Company from time to time designated by the Company are hereby constituted a body corporate and politic without share capital under the name of "Reuben Edwin Cleghorn Foundation", herein called the Foundation, and shall be the members thereof. Foundation incorporated

2.—(1) The Foundation shall be deemed for all purposes Foundation charitable to be a charitable organization.

- Objects (2) The objects of the Foundation are to use the income received by it for the advancement of education of pupils of the Elmira District High School.
- Payment of funds to Foundation **3.** The Waterloo Trust and Savings Company, the executor of the last Will and Testament of Reuben Edwin Cleghorn, or its successor, shall pay quarterly to the Foundation all income received by it from the estate of Reuben Edwin Cleghorn with the exception of such money as it is legally entitled to receive as compensation for its services as executor of the last Will and Testament of Reuben Edwin Cleghorn and trustees of the estate of Reuben Edwin Cleghorn.
- Affairs of Foundation **4.** The affairs of the Foundation shall be managed by the members.
- By-laws **5.**—(1) The members may pass by-laws not contrary to this Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation and the election of a chairman and fixing the quorum of the members.
- Amending by-laws (2) Any by-law of the Foundation may be repealed or amended by the members in accordance with such rules and regulations as it may prescribe by by-law.
- Scholarships, etc. **6.** The moneys of the Foundation shall be disbursed from time to time in the form of scholarships and bursaries.
- Eligibility for scholarship **7.** The persons eligible to receive scholarships or bursaries shall be *bona fide* students of the high school or high schools of the Elmira District High School Board who have passed and fulfilled the entrance requirements of a degree-granting university situated within Ontario and who have applied for attendance at and been accepted by such degree-granting university as a student.
- Elmira High School District defined **8.** In the event that the geographical boundaries of the Elmira High School District are changed from time to time, for the purposes of this Act, the Elmira High School District shall be deemed to be the district that contains the majority in area of the lands comprising the Elmira High School District as at the date of the death of Miss Victoria Cleghorn, sister of Reuben Edwin Cleghorn, and the Elmira District High School Board shall be deemed to be the high school board administering the high school or high schools in such district.
- Commencement **9.** This Act comes into force on the day it receives Royal Assent.
- Short title **10.** This Act may be cited as *The Reuben Edwin Cleghorn Foundation Act, 1960-61*.

CHAPTER 131

An Act respecting the Town of Richmond Hill

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the Town of Richmond Hill by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Agreement made between The Corporation of the Town of Richmond Hill and the corporations of the townships of Markham and Vaughan and the Toronto Transit Commission, dated the 2nd day of January, 1960, for the operation of a motor bus service in such municipalities, set out as the Schedule hereto as herein amended, is hereby validated and confirmed and declared binding upon the parties thereto.

(2) Nothing in this Act or the Agreement shall be construed as affecting the powers conferred on the Minister of Transport by *The Public Vehicles Act*.

R.S.O. 1960,
c. 337

(3) Paragraph 1 of the Agreement is amended by striking out "In addition the Commission will, under terms and conditions subsequently to be agreed to by the Commission and the Corporations, extend its bus operations north on Yonge Street or to other streets or areas within the boundaries of the said Corporations" in the fourth, fifth, sixth and seventh lines thereof.

(4) The reference in paragraph 17 of the Agreement to the Minister of Highways shall be deemed to be a reference to the Minister of Transport.

2. In the event of the revenue from the operation of the motor bus service being greater or less than the operating costs, the surplus revenue or deficit, as the case may be,

shall

shall be divided among or paid by the municipalities, parties to the Agreement, in the following proportions:

1. The Corporation of the Town of Richmond Hill, 50 per cent.
2. The Corporation of the Township of Markham, 25 per cent.
3. The Corporation of the Township of Vaughan, 25 per cent.

By-laws
re surplus
or deficit

3. By-laws may be passed by the councils of each of such municipalities,

- (a) providing that any deficit in the operation of any bus line in the municipality shall be assessed against, and any surplus shall be credited to, the rateable property in the area within the municipality defined in the by-law; or
- (b) providing that any such deficit shall be assessed against the rateable property in the whole municipality, and that any such surplus shall be credited to the general funds of the municipality.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Town of Richmond Hill Act, 1960-61*.

SCHEDULE

THIS AGREEMENT made this 2nd day of January, One thousand nine hundred and Sixty.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MARKHAM,
THE CORPORATION OF THE TOWNSHIP OF VAUGHAN, and
THE CORPORATION OF THE TOWN OF RICHMOND HILL,
hereinafter called the Corporations,

OF THE FIRST PART,

— and —

TORONTO TRANSIT COMMISSION,
hereinafter called the Commission,

OF THE SECOND PART.

WHEREAS the Corporations have requested the Commission to operate a motor bus service on Yonge Street from the northerly limits of the Municipality of Metropolitan Toronto to the Commission's present bus loop in Richmond Hill;

AND WHEREAS the Commission is by Section 108 of *The Municipality of Metropolitan Toronto Act*, R.S.O. 1953, Chapter 73 and amendments thereto, empowered to enter into an agreement with the Corporations upon the terms therein provided;

AND WHEREAS the Commission has agreed with the Corporations to operate a motor bus service as hereinafter set out;

AND WHEREAS by By-law No. 1791 of the Township of Markham, by By-law No. 2402 of the Township of Vaughan, and by By-law No. 905 of the Town of Richmond Hill, the Corporations have authorized the execution and delivery of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:

1. The Commission will, provided the terms hereof are fulfilled, operate by motor buses transportation service on Yonge Street between the northern limit of Metropolitan Toronto and the Commission's present bus loop in Richmond Hill. In addition the Commission will, under terms and conditions subsequently to be agreed to by the Commission and the Corporations, extend its bus operations north on Yonge Street or to other streets or areas within the boundaries of the said Corporations.

2. It is agreed between the parties hereto that if the boundary of Metropolitan Toronto is extended north during the term of this agreement the Commission will be responsible for providing transportation service within the Metro Area without cost to the Corporations. In the event of such an extension the Corporations will within thirty days notify the Commission of what percentage changes, if any, are to be made in the percentage set out in paragraphs 13 and 14 hereof and if the Corporations are unable to reach an agreement with respect to the percentage the question shall be referred to the Ontario Municipal Board for a decision, which said decision shall be binding on the parties hereto.

3. The said service shall be furnished by motor buses of modern type capable of maintaining a satisfactory speed and giving adequate and reasonable service.

4. The Commission shall have the sole management of the said service and shall arrange for the motor buses, crews, and necessary equipment, hours of service, running time, stops and everything else necessary or incidental to the said service. Provided the Corporations may from time

to time request changes in the service and, in the event there is any dispute in regard to such changes, the dispute may be referred to the Ontario Municipal Board for decision.

5. The Commission, subject to the approval of the Corporations, shall fix the tolls and fares to be charged on the said motor bus service and in general shall endeavour to fix such tolls and fares that the revenue derived from the operation of such service shall be sufficient to meet the full cost thereof. In case one or more of the Corporations object to the tolls and fares charged or proposed to be charged by the Commission, the matter shall be determined by the Ontario Municipal Board, the decision of which shall be final.

6. It is mutually agreed between the parties hereto:

- (a) The Corporations will during the term of this agreement take all means within their power to ensure to the Commission the exclusive right to furnish local motor bus passenger transportation on Yonge Street, except as otherwise herein provided;
- (b) The Corporations will pass and enforce such by-laws as they may legally pass to prevent the operation of motor buses within the Corporations whose operation would be in competition with the Yonge Street service;
- (c) During the term of this agreement the Corporations of the Townships of Markham and Vaughan do hereby grant to the Commission the exclusive right to furnish local motor bus passenger transportation in the area lying north of the northern limit of Metropolitan Toronto bounded by Bathurst Street, Elgin Mills sideroad and Bayview Avenue, including those three streets;
- (d) That the carriage of passengers to and from points north of the north side of the crossroads at Yonge Street and Elgin Mills sideroad, west of the west side of Bathurst Street or east of the east side of Bayview Avenue, from or to points within the area served by the North Yonge motor bus service, or the operation of school buses for carrying children to and from school by any of the Corporations shall not be deemed competition;
- (e) That the rights granted to the Commission shall not extend to the carriage of passengers in the Town of Richmond Hill on the route on which other than T.T.C. motor buses now operate, or such other route in the Town of Richmond Hill as may be authorized by the Town of Richmond Hill;
- (f) The Commission will not either itself or through any company or corporation which it directly or indirectly controls operate any system of buses or service so as to compete with the terms of this agreement.

7. When any of the Corporations desire to do any work which may in any way affect the said motor bus service, it shall, except in cases of emergency, give the Commission reasonable notice thereof.

8. All claims or actions for alleged negligence in the operation of said service shall be made against the Commission and dealt with by it and the Commission shall have, through its solicitors, the conduct and control of such claims and actions and of any action brought against the Corporations or any of them in respect of such alleged negligence and may defend or compromise the same as it deems expedient.

9. The Commission is to be allowed the sum of seven (7%) per cent of the gross total expenses of operation to reimburse it for its cost of administration and management in connection with the operation of the said motor bus service and such moneys shall be retained by the Commission for its own use.

10. Within ninety (90) days after the close of each calendar year the Commission will submit a report to the Corporations giving a complete financial statement of its operations of the said bus service during the preceding year and such statement shall, if the Corporations or any of them so desire, be subject to an audit by one independent auditor to be agreed on by the Corporations and the Commission, or, in case of dispute, to be selected by the Ontario Municipal Board. Should adjustments to this statement later become necessary such adjustments will be made in the accounts of the year following.

11. Once in each year during the currency of this agreement the Corporations shall have the right to an independent audit by a licensed auditor of the books and vouchers of the Commission dealing with the operations of the said motor bus service. In the event the Corporations and the Commission are unable to agree upon an auditor the Ontario Municipal Board shall have power to select one to make such audit.

12. It is agreed by the parties hereto that, in determining the costs of operating the transportation services herein provided for, the operating expenses will be accounted for under the following classifications:

- Equipment maintenance
- Garage expense
- Transportation expense
- General and Miscellaneous
- Rent of facilities
- Administration
- Taxes

The elements and items of costs to be entered under each of the above classifications will be determined or apportioned in accordance with existing T.T.C. accounting practice except where otherwise provided. Appendix "A" attached hereto sets out the basis to be used in distributing charges under existing operating conditions. It is agreed that should operating conditions change materially during the life of the agreement the basis of distributing charges may be amended by agreement between the parties.

In Appendix "A" where the distribution of charges is to be based on mileage, a ten per cent deduction will be allowed to offset the effects of speed differential. However, this deduction does not apply to the charge for injuries and damages.

In assessing rent of facilities, rent will be computed on the initial cost of the asset amortized at the rate of five (5) per centum over the regular T.T.C. depreciation life of the facility.

13. Should the gross revenue exceed the cost of operation the Corporations shall receive the surplus revenue quarterly in the following proportions:

The Corporation of the Township of Markham . .	25 per cent
The Corporation of the Township of Vaughan . .	25 per cent
The Corporation of the Town of Richmond Hill .	50 per cent

14. If for any reason the quarterly revenue from the said motor bus service shall be insufficient to meet the cost of operation and maintenance for such period the Corporations shall pay to the Commission forthwith on demand the amount of any such deficiency in the following proportions:

The Corporation of the Township of Markham . .	25 per cent
The Corporation of the Township of Vaughan . .	25 per cent
The Corporation of the Town of Richmond Hill .	50 per cent

15. In the event of the neglect of any of the Corporations to pay their proper proportion of any amount provided for by the next preceding paragraph within thirty (30) days of demand the Commission may, without further notice, discontinue the operation of the said bus service and it and the other parties hereto may recover from the Corporation in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party hereto from its obligations under this agreement. And provided further that the Corporations not in default, without prejudice to their rights under this agreement, may at their option pay the amount in default by the other Corporation or Corporations and shall have the right to recover the amount of such payment from any such Corporation in default, and in such event the Commission shall continue operation of the said bus service.

16. This agreement shall continue in force for a period of ten years. Provided, however, that the Corporations may, upon first giving to the Commission one year's notice in writing of their intention so to do, terminate this agreement on the 1st day of January, 1965, or on the first day of January in any year thereafter.

17. Should the motor bus service contemplated by this agreement cease operation at any time during its currency by reason of default of the Corporations, Gray Coach Lines Limited, the subsidiary of the Commission, may forthwith apply to the Minister of Highways for the right to operate motor buses or coaches on Yonge Street and within the area covered by this agreement either under the permit now held by this Company or a new permit to be granted, and each of the Corporations will upon request of the Commission consent in writing to the granting of such application by the Minister and undertake not to give any similar consent to any other person, other than one or more of such Corporations. Should one or more of such Corporations apply for such rights, Gray Coach Lines Limited shall not be precluded in any way from proceeding with its application as aforesaid.

18. The parties agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED:

THE CORPORATION OF THE TOWNSHIP OF MARKHAM:

W. L. CLARK,
Reeve.

(Corporate Seal) H. C. T. CRISP,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF VAUGHAN:

J. PERRY,
Reeve.

(Corporate Seal) J. M. McDONALD,
Clerk.

THE CORPORATION OF THE TOWN OF RICHMOND HILL:

K. W. TOMLIN,
Mayor.

(Corporate Seal) R. LYNETT,
Clerk.

TORONTO TRANSIT COMMISSION:

C. C. DOWNEY,
Chairman.

(Corporate Seal) H. E. PETTETT,
Secretary.

Appendix "A"

<i>Relevant Accounts</i>	<i>Base for Distribution</i>	<i>Ratio</i>
Equipment maintenance—General Garage expenses—General Other transportation expense Rental maintenance and Operating Garages Licenses Fire and Theft insurance Eglinton Garage Maintenance Eglinton Garage facilities	Total cost Red Bus Fleet	Richmond Hill miles: Red Bus miles
Operating labour and allowances	Total cost of surface operations at Eglinton Division	Richmond Hill hours: Red Bus hours
Operating labour and allowances at terminal Rental of buses Tickets, transfers, etc.	Total cost of operating labour and allowances Eglinton Terminal time including loaders Actual Rental of Buses used on route Total system cost	Richmond Hill miles: Eglinton Surface miles Richmond Hill hours: Total route hours excluding terminal time Richmond Hill miles: total route Richmond Hill hours: Route hours Richmond Hill collections Richmond Hill hours: total system hours
Employee benefits Injuries and damages Administration	Average system cost over last ten years Administration	Flat charge per mile 7% surcharge on all costs excluding rent of facilities
Taxes for any loop within northern portion Any other charge which may be directly attributable to North Yonge operation	Actual charge	Actual

CHAPTER 132

An Act respecting the Royal Ottawa Sanatorium

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

WHEREAS The Board of Trustees of the Royal Ottawa Preamble
Sanatorium by its petition has prayed for special
legislation to amend *An Act respecting the establishment in
the City of Ottawa of a Hospital or Sanatorium for the reception,
care and treatment of persons suffering from tuberculosis*, being
chapter 117 of the Statutes of Ontario, 1909, as amended by
The Royal Ottawa Sanatorium Act, 1945; and whereas it is 1945, c. 36
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 1 of *An Act respecting the establishment in the* 1909, c. 117,
City of Ottawa of a Hospital or Sanatorium for the reception, S. 1, amended
care and treatment of persons suffering from tuberculosis is
amended by inserting after "stage" in the forty-ninth line
"and also for the reception, care and treatment of persons
affected with any kind of disability, disease or illness; and to
establish and conduct laboratories, research projects and other
services ancillary thereto and to provide instruction to
students in medicine, nursing, physiotherapy and related
studies", so that the section shall read as follows:

1. The Corporation of the City of Ottawa may acquire Corporation
authorized
to acquire
certain lands
the following land and premises, that is to say:

All and singular that certain parcel or tract of land
and premises situate, lying and being in the City of
Ottawa in the County of Carleton, in the Province
of Ontario and Dominion of Canada, containing by
superficial admeasurement, five and one hundred
and forty-seven thousandths acres, being composed
of part of lot numbered thirty-four in the first con-
cession, Ottawa Front of the said Township of
Nepean; described by metes and bounds as follows:

Commencing

Commencing at a point upon the southeasterly boundary of said lot thirty-four, which is also the northwesterly boundary of the road allowance, between the said first concession, Ottawa Front and concession "A", Rideau Front of Nepean; distant eleven hundred and eighty-three and sixty-four hundredths feet on a course North fifty-eight degrees nineteen minutes and thirty-eight seconds east astronomically along said boundary of said road allowance; from the centre of a stone monument at the southwesterly angle of said lot thirty-four, and also distant six and seven-tenths feet on a course of south fifty-eight degrees, nineteen minutes and thirty-eight seconds west astronomically, along said boundary of said road allowance, from the northeasterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence from the point described, north twenty-two degrees, fifty-eight minutes and forty-two seconds west astronomically, four hundred and thirty-four and sixty-five hundredths feet:

Thence south sixty-seven degrees, one minute and eighteen seconds west astronomically four hundred and seventy-six feet:

Thence south twenty-two degrees, fifty-eight minutes and forty-two seconds east astronomically five hundred and seven and forty-four hundredths feet to the said northwesterly limit of said road allowance, intersecting it sixty and seven-tenths feet northeasterly, along said boundary, from the northwesterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence north fifty-eight degrees, nineteen minutes and thirty-eight seconds, east astronomically, along said boundary four hundred and eighty-one and fifty-three hundredths feet to the place of beginning; for the purpose of the erection and maintenance thereon of a hospital or sanitorium for the reception, care and treatment of persons suffering from tuberculosis and especially for the reception, care and treatment of those suffering from tuberculosis in an advanced stage, and also for the reception, care and treatment of persons affected with any kind of disability, disease or illness; and to establish and conduct laboratories, research projects and other services ancillary thereto and to provide instruction

to students in medicine, nursing, physiotherapy and related studies; and notwithstanding anything contained in any other statute, a hospital or sanatorium for such purposes may be erected, established and maintained on the said land.

2. The said Act is amended by adding thereto the following 1909, c. 117,
amended
section:

15. The Board shall have such other powers and rights Powers
as may be required for the carrying out of its uses
and purposes.

3. This Act shall be deemed to have come into force on Commence-
ment
the 1st day of January, 1961.

4. This Act may be cited as *The Royal Ottawa Sanatorium* Short title
Act, 1960-61.

CHAPTER 133

An Act to incorporate St. George's College

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS John St. Clair Wheeler, Alfred H. Cowling, ^{Preamble} John L. Bradley, John Cook, George Tweedie, Homer Marion and James T. Skells by their petition have represented that it is desirable to incorporate a residential boys school with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Department of Education of Ontario, and that the purposes for which a college is to be formed will be promoted by an Act of Incorporation; and whereas the petitioners have prayed for special legislation for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. John St. Clair Wheeler, Alfred H. Cowling, John L. ^{College incorporated} Bradley, John Cook, George Tweedie, Homer Marion and James T. Skells, and such other persons as may be elected or appointed as members of the Board of Governors of the College, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. George's College", herein called the College.

2. The Primate of Canada shall be the Visitor of the ^{Visitor} College.

3. There shall be a Board of Governors of the College, ^{Board of Governors} which shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the College.

Management
of College

4. The Board of Governors has the control, management and government of the College and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

- (a) for the working and management of the College;
- (b) determining the number of members of the Board that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board; and
- (d) regulating all matters pertaining to meetings of the Board.

Borrowing
powers

5. The College may, if authorized by by-law of the Board of Governors,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board of Governors;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) mortgage, hypothecate, pledge or charge any part or all of the property of the College to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board of Governors may determine, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board of Governors may determine, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations.

Real and
personal
property
R.S.O. 1960,
c. 191

6. The College has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time

to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the College not immediately required for its purposes and the proceeds of all property that come into the College, subject to any trusts affecting the same, may be invested and re-invested in such investments as to the Board of Governors shall seem meet, and all property and revenue of the College shall be applied for the attainment of the objects for which the College is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid. Investment powers

8. All property, real or personal, belonging to or hereafter belonging to the College, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any person or persons in trust for or for the benefit of the College or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College. Property vested in Board

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the members or officers of the College, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the College or for or on account or in respect of any matter or thing whatsoever relating to the College. Liability of members and officers of College

10. The College shall, whenever required by the Lieutenant Governor, make a return of its property, real and personal, and of its annual receipts and expenditures, with such details and information as the Lieutenant Governor may require. Return

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The St. George's College Act*, 1960-61. Short title

CHAPTER 134

An Act respecting the Synod of Toronto and Kingston Glen Mhor Camp

*Assented to December 16th, 1960
Session Prorogued March 29th, 1961*

WHEREAS the Synod of Toronto and Kingston by its ^{Preamble} petition has represented that provision was made for exemption from municipal taxation, except local improvement rates, of certain lands in the Township of Mara, in the County of Ontario, by *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956* and has prayed that provision for exemption be extended to certain lands in the Township of Mara, in the County of Ontario, since acquired by the Trustee Board of the Presbyterian Church in Canada; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956* is repealed and the following sub-<sup>1956, c. 123,
s. 1,</sup>re-enacted
stituted therefor:

1. Notwithstanding any general or special Act, the <sup>Tax
exemption</sup> council of The Corporation of the Township of Mara may pass by-laws exempting from municipal taxation, except local improvement rates, the lands and appurtenances thereto of the Trustee Board of the Presbyterian Church in Canada and duly administered by the Synod of Toronto and Kingston, described as follows:

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Broken Lot number sixteen in Concession "C" in the said Township, containing by admeasurement ten (10) acres more or less, being that area shown coloured red on the plan attached to deed dated June 16th, 1930 from Donald McKay, of the said Township of Mara, Farmer, to Sarah Charlotte Playfair, of the Town of Midland in the County of Simcoe, Married Woman,

registered as No. 10387, and being more particularly known and described as follows: COMMENCING at a point in said lot distant south thirty-four degrees and fifty-seven minutes west astronomically sixteen hundred and ninety-six feet from the north-east angle thereof; thence north eighty-five degrees and six minutes west six hundred feet; thence north sixty-nine degrees and forty-four minutes west three hundred and forty-one and one-half feet more or less to intersection with the shore of Lake Simcoe; thence southerly and easterly along said lake shore and following the various courses and windings therein to intersection with a line drawn south three degrees and fifty-four minutes west from the place of beginning; thence north three degrees and fifty-four minutes east along said line five hundred feet more or less to the said place of beginning. The said bearings being computed from the astronomical bearing of the easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west.

TOGETHER WITH the right of way for ingress and egress to and from the said lands over a strip of land thirty feet in width lying to the east of and adjoining the easterly limit of that parcel and part of said lot heretofore conveyed to one Donald Gilchrist and being more particularly known and described as follows:

COMMENCING at a point in the southerly limit of the allowance for road between Concessions B. and C. distant westerly sixteen hundred and forty-five feet from the north-east angle of said lot sixteen; thence south no degrees and thirty-four minutes east astronomically eight hundred and seventeen feet more or less to the northerly limit of the parcel herein described, the said bearing being computed from the said astronomical bearing of the said easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west;

Secondly:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Lot No. 16 in Concession C of the said Township, and being more particularly known and described as follows:

COMMENCING at the north-east angle of that parcel and part of said Lot heretofore conveyed under registered instrument No. 10387, said angle being distant south 34 degrees and 57 minutes west astronomically 1696 feet from the north-east angle of said Lot 16;

THENCE north 3 degrees and 54 minutes east along the northerly production of the easterly limit of said parcel No. 10387, 1075 feet, more or less, to intersection with the northerly limit of said lot;

THENCE westerly along the northerly limit of said Lot 700 feet, more or less, to a point thereon distant westerly thereon 1653 feet 9 inches from the said north-east angle of said Lot;

THENCE south 00 degrees and 34 minutes east, 827.75 feet, more or less, to an angle in the northerly limit of said parcel;

THENCE south 85 degrees and 06 minutes east along said northerly limit 600 feet, more or less, to the place of beginning.

SUBJECT TO THE RIGHT OF WAY for all parties entitled thereto over a strip of land 30 feet in width lying to the east of and adjoining the westerly limit of the herein described lands.

Thirdly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Lot No. 16 in concession C in said Township, and being more particularly known and described as follows:

COMMENCING at a point in said Lot, distant South 00 degrees and 34 minutes east 467 feet from a point on the Northerly limit of said Lot, distant Westerly thereon 1653 feet 9 inches from the North-east angle of said Lot;

THENCE South 00 degrees and 34 minutes East 360.75 feet to intersection with the Northerly limit of that parcel and part of said Lot, heretofore conveyed under Registered Instrument No. 10387 at a point in said limit distant North 85 degrees and 06 minutes West 600 feet from the North-east angle of said parcel;

THENCE North 69 degrees and 44 minutes West along the Northerly limit of said parcel, 341.5 feet, more or less, to the high water mark of Lake Simcoe;

THENCE Northerly along said high water mark and following the various courses therein to intersection with a line drawn North 89 degrees and 19 minutes West from the place of beginning;

THENCE South 89 degrees and 19 minutes East along said line 324.6 feet, more or less, to the said place of beginning,

provided that the lands and appurtenances are owned by the Trustee Board of the Presbyterian Church in Canada and are occupied by, used solely and carried on for the purposes of the Synod of Toronto and Kingston.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Synod of Toronto and* ^{Short title} *Kingston Glen Mhor Camp Act, 1960-61.*

CHAPTER 135

An Act to incorporate Thorneloe University

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS the Incorporated Synod of the Diocese of Algoma (Anglican) by its petition has represented that it is desirous of extending its participation in higher education by establishing in Northern Ontario a church-related university having the power to federate with another university or other universities, either church-related or non-denominational; and whereas the petitioner has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means The Board of Governors of Thorneloe University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "federated college" means a university or college federated with the University;
- (d) "President" means the President of the University;
- (e) "property" includes all property, both real and personal;
- (f) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and estate and interest therein;
- (g) "Senate" means the Senate of the University;
- (h) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors,

instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(i) "University" means Thorneloe University.

Thorneloe
University
incorporated

2. The Most Reverend W. L. Wright, The Very Reverend F. F. Nock, The Venerable J. S. Smedley, The Venerable Cyril Peto, The Venerable Canon S. M. Craymer, R.D., Harold M. Monteith, Fred S. Dent, Alexander Godfrey, E. C. Brideaux, R. W. Dudley, and such other persons as may hereafter be elected Chancellor, President or a member of the Board, are hereby created a body corporate with perpetual succession and a common seal under the name of "Thorneloe University".

Objects

3. The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties
and
schools

4. The University has power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as shall be deemed meet by the Senate and approved with respect to finances and facilities by the Board.

Degrees

5. The University has power and authority to grant in all branches of learning any and all university degrees and honorary degrees and diplomas.

Powers
re
affiliation

6. The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Religious
tests not
to be
required

7. The University shall be carried on as a Christian school of learning, but no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University.

Property
R.S.O. 1960,
c. 191

8.—(1) The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to acquire by purchase, lease, gift, devise, bequest or otherwise any real or personal property absolutely or in trust and to hold and enjoy any estate or property whatsoever, and to sell, grant, exchange, convey, mortgage, lease and otherwise alienate the same, or any part thereof, from time to time as occasion may require and to acquire other

estate

estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding.

(2) The University has power to,

University,
borrowing
powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms and corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge or charge any or all personal and real property of the University to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the University to secure any such bonds, debentures and obligations.

(3) The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the University, subject to any trusts affecting the same, may be invested under the powers of investment in the *Canadian and British Insurance Companies Act* (Canada), and all property and revenue of the University shall be applied for the attainment of the objects for which the University is constituted and to the payment of expenses to be incurred for objects connected with or depending on the purposes aforesaid.

Investment
of surplus
funds

R.S.C. 1952,
c. 31

9. Property vested in the University or in any federated college or property vested in both the University and one or more federated colleges, and any property leased to and occupied by the University or federated college, or leased to and occupied by the University and one or more federated colleges, are not liable for taxation for provincial, municipal or school purposes and are exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the University or of a federated college.

Tax
exemption

Application
of statute of
limitations

10. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Real
property
not liable to
expropria-
tion

11. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Proceedings
in name of
University

12. All proceedings by or against the University may be had and taken in the name of "Thorneloe University".

Liability
of members,
etc.

13. Nothing herein contained has the effect of or shall be construed to have the effect of rendering all or any of the members or officers of the University, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account of or in respect of any matter or thing whatsoever relating to the University.

Management
of University
vested in
Board

14.—(1) Except as to such matters as are by this Act specifically assigned to the Senate, the government, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in a board under the name of "The Board of Governors of Thorneloe University" and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint or remove the President;
- (b) to appoint or remove, on recommendation of the President, the head of any university, college, faculty, school or institute established by the University or affiliated with the University;
- (c) to appoint or remove, on recommendation of the President, the professors and other members of the teaching staff of the University, other than federated or affiliated colleges, and to appoint all other officers, agents and servants of the University;
- (d) to fix the numbers, duties, salaries and other emoluments of the officers, teachers, agents and servants of the University;

(e)

- (e) to appoint an executive committee and such other committees as it may deem advisable, and to delegate to any such committee any of its powers;
- (f) to borrow money for the purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (g) to make by-laws and regulations not inconsistent with the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

(2) By-laws shall not require confirmation by the members of the University. Confirmation of by-laws

15. The persons named in section 2, and such persons as may be appointed by them, shall constitute the provisional board of governors which shall act until the Board is reconstituted in accordance with section 16, provided that the total number of members shall not exceed twenty-four. Provisional board

16. Within twenty-four months from the coming into force of this Act, the Board shall be reconstituted to consist of, Composition of Board

- (a) the Chancellor *ex officio*;
- (b) the President *ex officio*; and
- (c) such number of members, not exceeding twenty-four, as may be prescribed by the by-laws of the Board, elected or appointed for a term of four years in the manner prescribed by the by-laws of the Board.

17. No persons on the teaching staff or administrative staff of the University, other than the Chancellor and the President, shall be members of the Board. Eligibility of staff

18. The Board shall elect a chairman from among its members. Chairman

19. After thirty days notice to any member, the Board may, by resolution passed by at least two-thirds of the votes cast at a meeting of the Board, declare vacant the seat of such member. Vacancies

20.—(1) There shall be a Senate of the University composed of, Senate

- (a) the Chancellor *ex officio*;

(b)

- (b) the President *ex officio*;
- (c) the deans or chairmen of faculty boards *ex officio*;
- (d) two members of the Board appointed by the Board;
- (e) such numbers of other persons representing such faculties, institutions or organizations as the Senate may determine.

Vacancies

(2) The body possessing the power of election or appointment may fill a vacancy on the Senate for the unexpired portion of any term.

**Powers
of
Senate**

21. The Senate is responsible for the educational policy of the University and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create faculties or departments or establish chairs in any and as many of the arts and sciences as the Senate may determine, may create faculty councils to act as executive committees for the Senate to regulate the admission of students, courses of study and requirements for graduation, may enact by-laws regulating matters in this section referred to and may from time to time amend or replace any of its by-laws, and, without limiting the generality of the foregoing, the Senate has power,

- (a) to elect the Chancellor;
- (b) to control and regulate the system of education of the University;
- (c) to determine the courses of study and suitable standards of admission into the University and qualifications for degrees;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (f) to confer the degrees of Bachelors, Masters and Doctors in the several arts, sciences and faculties, and all other degrees that may appropriately be conferred by a university;
- (g) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum and the election or appointment of its members.

22.—(1) There shall be a President of the University who ^{President} shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

(2) The Board may appoint a Vice-President who shall act ^{Vice-President} in the absence of the President and has such other powers and duties as may be conferred on him by the Board.

(3) The President shall be Vice-Chancellor and chief ^{President to be Vice-Chancellor and chief executive officer} executive officer of the University and, in the absence of or a vacancy in the office of the Chancellor, shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and also has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

23. There shall be a Chancellor elected by the Senate, ^{Chancellor} who shall be the titular head of the University, who shall confer all degrees and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected.

24. The accounts of the University shall be audited at ^{Audit} least once a year by a practising auditor.

25. The University shall submit to the Lieutenant Governor ^{Annual report} in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time.

26. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

27. This Act may be cited as *The Thorneloe University* ^{Short title} *Act, 1960-61.*

CHAPTER 136

**An Act respecting
the Tilbury District High School**

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Tilbury District High School Board by Preamble
its petition has represented that the construction of an
addition to the Tilbury District High School at Tilbury has
been commenced and the municipalities of the Town of
Tilbury and the Townships of Romney, Tilbury East, Tilbury
West and Tilbury North have consented to provide their
proportion of the cost of such addition and equipment therefor
and has prayed for special legislation to authorize such munici-
palities to issue debentures, without the approval of the
Ontario Municipal Board, for such purposes; and whereas it
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Corporation of the Town of Tilbury shall pass a Town of
Tilbury
authorized
to pass
debenture
by-law
by-law, without obtaining the approval of the Ontario Muni-
cipal Board, to borrow the sum of \$31,910 upon debentures
made payable in not more than ten years for the expenditures
by The Tilbury District High School Board for building and
equipping an addition to the Tilbury District High School
at Tilbury, and the by-law when duly passed shall be legal,
valid and binding upon the Corporation and the ratepayers
thereof.

2. The Corporation of the Township of Romney shall pass Township
of Romney
authorized
to pass
debenture
by-law
a by-law, without obtaining the approval of the Ontario
Municipal Board, to borrow the sum of \$7,420 upon debentures
made payable in not more than ten years for expenditures
by The Tilbury District High School Board for building and
equipping an addition to the Tilbury District High School at
Tilbury, and the by-law when duly passed shall be legal,
valid and binding upon the Corporation and the ratepayers
thereof.

Township of
Tilbury East
authorized
to pass
debenture
by-law

3. The Corporation of the Township of Tilbury East shall pass a by-law, without obtaining the approval of the Ontario Municipal Board, to borrow the sum of \$24,700 upon debentures made payable in not more than ten years for expenditures by The Tilbury District High School Board for building and equipping an addition to the Tilbury District High School at Tilbury, and the by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

Township of
Tilbury West
authorized
to pass
debenture
by-law

4. The Corporation of the Township of Tilbury West shall pass a by-law, without obtaining the approval of the Ontario Municipal Board, to borrow the sum of \$21,010 upon debentures made payable in not more than ten years for expenditures by The Tilbury District High School Board for building and equipping an addition to the Tilbury District High School at Tilbury, and the by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

Township of
Tilbury
North
authorized
to pass
debenture
by-law

5. The Corporation of the Township of Tilbury North shall pass a by-law, without obtaining the approval of the Ontario Municipal Board, to borrow the sum of \$14,960 upon debentures made payable in not more than ten years for expenditures by The Tilbury District High School Board for building and equipping an addition to the Tilbury District High School at Tilbury, and the by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

R.S.O. 1960,
c. 274,
not to
apply

6. Sections 58, 59 and 64 of *The Ontario Municipal Board Act* do not apply.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Tilbury District High School Act, 1960-61*.

CHAPTER 137

An Act respecting the City of Toronto

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS The Corporation of the City of Toronto, Preamble
herein called the Corporation, by its petition has prayed
for special legislation in respect of the matters hereinafter set
forth; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The grant of \$2,000 made in the year 1960 by the
Corporation to the Tunnel Tragedy Fund is hereby authorized, Validation
of grant to
Tunnel
Tragedy
Fund
validated and confirmed.

2. The council of the Corporation may pass by-laws to Authority
to acquire
land and
buildings
for housing
accom-
modation
provide housing accommodation for persons who are or may be
in need of public assistance and for that purpose may,

- (a) purchase, lease or acquire land and buildings within
the municipality;
- (b) alter, repair, equip, manage and maintain such land
and buildings;
- (c) lease such land and buildings on such terms and
conditions and to such persons or classes of persons
as the council may decide;
- (d) authorize the Housing Authority of Toronto to
manage, operate and maintain such land and build-
ings.

3.—(1) Subject to the approval of the Department of Night-time
parking on
city streets
Transport, the council of the Corporation may by by-law,

- (a) allow the parking of motor vehicles, excluding trucks
and vehicles used for hire, on designated public

highways

highways or parts of highways during specified night-time hours to the owners of such vehicles pursuant to permits issued by an official named in the by-law;

- (b) charge such fee as the council may decide for the privilege of parking for such periods and during such times as the by-law provides;
- (c) provide for cancelling the permits and refunding the unexpired portion of the fee;
- (d) prohibit the parking of all motor vehicles on such designated public highways or parts of highways during such specified night-time hours except with a permit issued pursuant to the by-law.

Petition of
municipal
electors

(2) No by-law passed under this section shall apply to any highway or part of a highway except upon a petition of two-thirds of all the persons who at the date of the petition were municipal electors in respect of the land abutting on the highway or the part of the highway.

Reserve
fund

(3) The net revenue derived from the operation of such night-time parking shall be paid into a reserve fund and applied as set out in clause *f* of paragraph 67 of section 377 of *The Municipal Act*.

R.S.O. 1960,
c. 249

Enforce-
ment

(4) A by-law under this section may provide a procedure for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened, and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent.

Application
of R.S.O.
1960, c. 249

(5) Part XXI of *The Municipal Act* applies to a by-law under this section.

Levy of
parking lot
cost against
defined area

4.—(1) A by-law of the council of the Corporation for acquiring, establishing, laying out and improving land, buildings, and structures where vehicles may be parked, and for erecting buildings or structures for the parking of vehicles may provide, with the approval of the Ontario Municipal Board, that the capital cost thereof, or any part thereof, shall be levied against the lands in one or more defined areas in the municipality, which, in the opinion of the council, derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area or areas.

(2) The capital cost or part thereof chargeable to lands in the defined area or areas shall be apportioned in the same ratio as the assessment of each parcel bears to the total assessment of the parcels in the defined area or areas, or as the valuation for assessment of each parcel of land exclusive of buildings bears to the total valuation for assessment of all the parcels of land exclusive of buildings in the defined area or areas, or shall be charged at a special rate per foot frontage on the streets in the defined area or areas, exclusive of flankages.

(3) Where the council is of the opinion that any parcel of land is not benefited from the establishment of the parking lot to the same extent as other parcels within the defined area, the council may, in the by-law levying the cost, exempt such parcel from the levy or make a reduction in the amount of the cost that would otherwise be levied against that parcel.

(4) Where the capital cost, or part thereof, is to be levied as provided herein, the council shall give notice of its application to the Ontario Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area or areas and such notice shall include that part of the by-law that shows the portion of the cost levied against each parcel of land.

(5) The council may also by general by-law or by a by-law applicable to the particular project prescribe the terms and conditions upon which persons whose lots are specially charged may commute for a payment in cash the special rates imposed thereon.

(6) The charge levied against each parcel of land is payable in annual amounts over such number of years as the council may provide and is a lien on such parcel and may be recovered in the same manner as real property taxes may be recovered.

(7) The Ontario Municipal Board shall not approve the by-law if a petition objecting to the levy of the capital cost or part thereof against a defined area or areas signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area or the total of the areas, as the case may be, is filed with the Board at or prior to the hearing of the application.

(8) There shall be an appeal to the court of revision constituted for the City of Toronto from any rate or charge or any exemption or reduction of any rate or charge under this section, and sections 43 to 51 of *The Local Improvement Act* shall apply *mutatis mutandis*.

Election
for office
of controller,
action of
returning
officer
confirmed

5. On account of the death of a candidate for the office of controller, the action of the returning officer for the City of Toronto municipal election for the years 1961 and 1962 in fixing the 28th day of November, 1960, as the new day for nomination of candidates for that office and in fixing the 5th day of December, 1960, as the day for polling the votes of the electors for that office, is legal and valid.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Toronto Act, 1960-61*.

CHAPTER 138

An Act respecting Université d'Ottawa

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

WHEREAS Université d'Ottawa, herein called the University, by its petition has represented that it was incorporated by *An Act to incorporate The College of Bytown*, being chapter 107 of the Statutes of the Province of Canada, 1849, that its powers were extended and amended and its name changed by subsequent enactments, that its present powers and name were granted by *The University of Ottawa Act, 1933*, as amended by *The University of Ottawa Amendment Act, 1941*, and that the purposes of the University would be further promoted if the officers of the council of each faculty were appointed by the council of administration; and whereas the petitioner has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

1933, c. 106

1941, c. 83

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 28 of *The University of Ottawa Act, 1933* is repealed and the following substituted therefor:

1933, c. 106,
s. 28,
subs. 2,
re-enacted

(2) The dean, vice-dean and the secretary of each faculty shall be appointed by the council of administration.

Appointment
of dean, vice-
dean, and
secretary

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The University of Ottawa Act*, 1960-61.

Short title

CHAPTER 139

An Act respecting The University of Waterloo

Assented to March 29th, 1961
Session Prorogued March 29th, 1961

WHEREAS The University of Waterloo by its petition Preamble has represented that it was incorporated by *The University of Waterloo Act, 1959*, 1959, c. 140; that by sections 42 and 43 of that Act the agreements set out in Schedules A and B to that Act were ratified and confirmed and declared to be legal, valid and binding upon the parties thereto; and that The University of St. Jerome's College has federated with The University of Waterloo, but Evangelical Lutheran Seminary of Canada, now known as "Waterloo Lutheran University", has not federated with The University of Waterloo; and whereas the petitioner has prayed for special legislation repealing sections 42 and 43 of *The University of Waterloo Act, 1959* and declaring that the agreements set out in Schedules A and B to that Act shall no longer be legal, valid and binding upon the petitioner; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 42 and 43 of *The University of Waterloo Act, 1959* are repealed. 1959, c. 140, ss. 42, 43, repealed

2. Schedules A and B to *The University of Waterloo Act, 1959* are repealed and the agreements set out therein are hereby declared to be no longer legal, valid and binding upon the parties thereto. 1959, c. 140, Schedules A, B, repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The University of Waterloo Act, 1960-61*. Short title

CHAPTER 140

An Act respecting the Young Men's Christian Association of Sault Ste. Marie

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS the Young Men's Christian Association, of ^{Preamble} Sault Ste. Marie and Steelton, by its petition has represented that it was constituted a body corporate and politic by *An Act respecting the Young Men's Christian Association of Sault Ste. Marie and Steelton*, being chapter 142 of the Statutes of Ontario, 1913; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act respecting the Young Men's Christian Association of Sault Ste. Marie and Steelton* 1913, c. 142, is amended by ^{s. 1, amended} striking out "and Steelton" in the eighth line, by striking out "in the City of Sault Ste. Marie" in the tenth line and inserting in lieu thereof "and personal property in Ontario" and by striking out "not exceeding in value \$150,000" in the eleventh and twelfth lines, so that the section shall read as follows:

1. Samuel Edgar Flemming, George Gilmore Farwell, S. Victor McLeod, Albert M. Peters, John Dawson, Thomas Edward Simpson, John Ewart Irving, Johnston Douglas Havelock Browne, and such other persons as are now or shall hereafter become members of the said Association, shall be, and they are hereby constituted a body politic and corporate, under the name of the Young Men's Christian Association, of Sault Ste. Marie, and shall have power to acquire and hold for the purposes of the corporation, real estate and personal property in Ontario, or any leasehold or other interest therein, and the same or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require, and the provisions of *The Mortmain* ^{9 Edw. VII. c. 58} ^{Incorporation}

and

and *Charitable Uses Act* shall apply except that the period within which the land shall be sold shall be seven years and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* used for the purposes of the corporation.

1913, c. 142,
s. 7,
amended

2. Section 7 of the said Act is amended by inserting after "men" in the second line "and young women", so that the section shall read as follows:

Object of
Corporation

7. The object of the said Corporation shall be the spiritual, mental, social and physical improvement of young men and young women, by the maintenance and support of meetings, lectures, reading rooms, library, gymnasiums and such other means as may from time to time be determined upon.

1913, c. 142,
s. 9, subs. 1,
amended

3.—(1) Subsection 1 of section 9 of the said Act is amended by striking out "and Steelton" in the second and third lines.

1913, c. 142,
s. 9,
amended

(2) The said section 9 is amended by adding thereto the following subsection:

Authority
to exempt
from
school
taxes
R.S.O. 1960,
c. 23

(3) The council of The Corporation of the City of Sault Ste. Marie may pass by-laws exempting from taxes for school purposes the land, as defined in *The Assessment Act*, of the Young Men's Christian Association, of Sault Ste. Marie, so long as the land is owned, occupied and used or occupied and used solely for the purposes of the Association, on such conditions as may be set out in the by-law.

1913, c. 142,
s. 10, subs. 1,
amended

4. Subsection 1 of section 10 of the said Act is amended by striking out "by the President, Vice-president and Treasurer of the Corporation or any two of them" in the fourth and fifth lines and inserting in lieu thereof "and signed by any two of the following persons, namely, the President, Vice-President, Treasurer, General Secretary, and any director authorized to sign by resolution of the board of directors", so that the subsection shall read as follows:

Notes,
contracts,
bills of
exchange
etc.

(1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said Corporation and signed by any two of the following persons, namely, the President, Vice-President, Treasurer, General Secretary, and any director authorized to sign by resolution of the board of directors, in general accordance with their powers as such under the by-laws of the

Corporation,

Corporation, shall be binding upon the Corporation (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof.

5. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

6. This Act may be cited as *The Young Men's Christian Association of Sault Ste. Marie Act, 1960-61*. Short title

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CHAPTER 141

An Act respecting the Young Women's Christian Association of Canada

*Assented to March 29th, 1961
Session Prorogued March 29th, 1961*

WHEREAS the Young Women's Christian Association ^{Preamble} of Canada, herein called the Association, by its petition has prayed for special legislation to exempt its real property in the Metropolitan Area, as defined in *The Municipality of Metropolitan Toronto Act*, from municipal taxation for all purposes, except for local improvements; and whereas it appears that the real property owned and used by the petitioner was not, prior to the 1st day of January, 1959, assessed and taxed by the City of Toronto but has since then been assessed and taxed; and whereas it is expedient to grant the prayer of the petition; ^{R.S.O. 1960, c. 260}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of any area municipality, as defined in *The Municipality of Metropolitan Toronto Act*, may, by by-law approved by the council of The Municipality of Metropolitan Toronto, exempt from municipal taxation, except local improvement rates, the land, as defined in *The Assessment Act*, owned and used by the Association in the Metropolitan Area, so long as it is owned and used solely for the purposes of the Association. ^{Tax exemption R.S.O. 1960, c. 23}

(2) The council of any area municipality may, by by-law approved by the council of The Municipality of Metropolitan Toronto, exempt and cancel all arrears of taxes and any interest or penalties thereon for the period from the 1st day of January, 1959, until the day that this Act comes into force, levied by the area municipality in respect of the lands owned and used by the Association, and release the Association and its property from all liability therefor. ^{Arrears of taxes}

(3) An exemption from taxes under this section shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*. ^{Effect R.S.O. 1960, c. 23}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Young Women's Christian Association of Canada Act, 1960-61*.

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